

# **SECTION 7: OTHER POLICIES RELATING TO EMPLOYMENT**

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## **7.1 BOARD OF SUPERVISORS POLICY - MEETING AGENDAS**

### **7.11 Policy:**

The County Board of Supervisors' meeting is the occasion upon which the Board of Supervisors conducts county business or authorizes others to conduct business with the County. It is the responsibility of the Board of Supervisors to see that meetings of the Board are conducted in a reasonable, and orderly manner. To that end, the Board of Supervisors has adopted procedures for establishing meeting agendas. Any member of the Board may place an item on the Board's agenda.

### **7.12 Delivery of Agenda Items to Clerk of Board:**

Agenda items, complete with backup information, will be delivered to the Clerk of the Board at least seven days prior to the scheduled Board meeting. Except for emergency items as determined by mutual agreement between the County manager and at least one member of the board, items that are received after that time will be held over until the next regular meeting of the Board, unless the proposed agenda item is approved by both the Clerk of the Board and the Chairman of the Board of Supervisors.

Agenda items may be submitted to the Clerk of the Board by any Elected Official or Department Head. All items presented must include an "Agenda Item Review Form" which can be obtained from the Clerk of the Board. All applicable directions/approvals on the Agenda Item Review Form must be completed or the item will not be placed on the agenda and will be returned to the submitting department.

### **7.13 Responsibilities of Clerk of Board/County Manager/Chairman of the Board:**

The Clerk of the Board shall draft the Board's agenda. The Clerk of the Board shall also review each proposed agenda item and will contact any individuals necessary to clear up questions, etc. This can include the Chairman or other Board Members as well as Elected Officials or Department Heads.

The County Manager shall also review the items for the agenda to determine if the item can be handled administratively. A copy of the agenda along with any comments by the County Manager shall be delivered to the Chairman of the Board of Supervisors. The Chairman may After the Chairman's review, the Clerk of the Board will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting, with the intent to post at least 5 days prior to a regular meeting.

### **7.14 Responsibilities of Chairman:**

The Chairman of the Board of Supervisors will review the proposed agenda and respond to the Clerk regarding the items that should appear on the agenda. The Chairman may change and/or remove any agenda item except those items submitted by another member of the Board of Supervisors.

### **7.15 Open Meetings Law:**

Agendas for Board meetings shall comply with the requirements of the Arizona Open Meeting Law at A.R.S. § 38-431 et al. All reasonable and practicable notice be given of Board meetings,

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and in no event, except an actual emergency, shall a Board meeting be held with less than 24 hours' notice, and unless a copy of the Board's agenda has been available for at least 24 hours preceding the meeting. All notices of meetings of the Board shall be posted, along with a copy of the agenda, or alternatively, with information as to how a copy of the agenda may be obtained by members of the public.

## **7.2 PUBLIC RECORDS REQUESTS**

### **7.21 Policy:**

All public records are presumed to be open to public inspection, and county personnel responsible for responding to public records requests shall comply with the provisions of Arizona's Public Records Act, A.R.S. § 39-101 et seq. Apache County can be sanctioned for failing to properly respond to a public records request in a reasonable amount of time. Because of that, County personnel who deem a public records request inappropriate, or who have questions about responding to a specific public records request, shall refer the matter to the Apache County Attorney's office.

### **7.22 Duty to Maintain Records:**

Apache County and its officers will maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities which are supported by funds from the state or any political subdivision A.R.S. § 39-121.01 (B).

### **7.23 Public Records Defined:**

Generally speaking, a "public record" is defined as "materials . . . made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government, or because of the informational or historical value of data contained therein . . ." A.R.S. § 41-1350.

- A. Exempt records: There are a variety of public records that may be exempt from disclosure. Some examples include:
- i. Confidential records: Some governmental records have been specifically determined to be confidential by state or federal statutes, or by court rule or orders.
  - ii. Personal privacy: Records that implicate the personal privacy rights of individuals are generally exempt. For example, the disclosure of the home address, telephone numbers, social security numbers, birth dates, and racial background of a public employee is generally exempt.
  - iii. Best interests of State: Some records are exempt because of the State's interest in keeping them confidential. Examples include, but are not limited to, information that might endanger the lives or safety of law enforcement personnel or information that might jeopardize the investigation of a criminal activity.

The presumption is in favor of disclosure. Even when portions of a document contain confidential information, the document may be subject to disclosure with appropriate redactions.

#### **7.24 Other Matter Subject to Disclosure:**

Some information, not technically considered “public records” must also be open for public inspection such as “documents which are not required by law to be filed as public records, but which relate to matters essential to the general welfare of taxpayers.” The determination of what information must be disclosed will depend upon whether the document is held by a public official in his official capacity and whether the public has a legitimate interest in the document that outweighs the government’s interest in confidentiality. Examples of “other matter” which may be subject to disclosure are: revenues produced by taxation, monies spent on governmental projects at public expense and annexation petitions.

#### **7.25 Photocopies of Public Records:**

The custodian of records must furnish copies, printouts or photographs of public records upon request if the facilities are available. If not, the records may be permitted to inspect and/or reproduce the records in the presence of the custodian A.R.S. § 39-121.01 (D).

#### **7.26 Requests made for Commercial Purposes:**

Some public records requests are made for commercial purposes. A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the verified statement, the custodian of such records may furnish reproductions, the charge for which shall include the following:

- A. a portion of the cost to the State for obtaining the original or copies of the documents, printouts or photographs;
- B. a reasonable fee for the cost of time, equipment and personnel in making such copies, printouts, or photographs;
- C. the value of the reproduction on the commercial market.

#### **7.27 Inappropriate Commercial Purposes:**

If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the Governor, requesting that the Governor, by executive order, prohibit the furnishing of copies, printouts, or photographs for such commercial purpose. The Governor, upon application from a custodian of public records, shall determine whether the commercial purpose is an abuse of the public record.

If the Governor determines that the public record shall not be provided for such commercial purpose, he/she shall issue an executive order prohibiting the providing of such public records

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for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined, pursuant to subsection 7.21 of this section.

**7.28 Penalties:**

A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall, in addition to other penalties, be liable to the State or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney's fees or shall be liable to the State or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of or actual use been stated at the time of obtaining the records.

**7.29 Commercial Purposes:**

As used in this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

## **7.3 EQUIPMENT MANAGEMENT POLICY**

### **7.31 Policy:**

This policy establishes guidelines for use and replacement of capital equipment. Checklists at the end are the basis for evaluating needs. For purposes of this policy, “equipment” means vehicles, computers, office machines, telecommunication equipment, and road yard rolling stock, etc. “Excess equipment” means equipment which exceeds the number or amount assigned to a department.

### **7.32 Acquisition of Equipment:**

The Board of Supervisors has the authority by law to authorize or deny the acquisition of new equipment in the County. The Board also has the authority to determine the number of pieces of equipment retained by each department.

When new and/or used equipment is purchased, the amount of equipment assigned to a department will not be increased without legitimate justification approved by the Board of Supervisors.

When a new position is requested, the need for additional equipment will be considered at the same time. The request to approve the new position may be denied due to the cost of acquisition or operation of additional equipment.

### **7.33 Excess Equipment:**

The Board will take possession of any excess equipment. The excess equipment will may be:

1. assigned to other departments based upon need, with the intent that the current equipment assignment not be increased by department or in the County in total, without approval of the Board of Supervisors; or
2. traded in for new equipment; or
3. sold at auction.

### **7.34 Duties of County Manager:**

The County Manager is authorized to obtain efficiency studies for capital assets using County experts in the particular area of study. The purpose of this study or studies is to provide the best and most equitable use of equipment as limited by County financial resources.

Under the direction of the Board of Supervisors, the County Manager is charged with the responsibility of implementation of this policy.

## **7.4 NETWORK AND INTERNET ACCESS POLICY**

### **7.41 Policy**

Apache County has established a policy with regard to use of the County's computer network and equipment in general and its use to access the Internet. The County intends to honor the points set forth below but must reserve the right to change them at any time as may be required under the circumstances. Enforcement of the policy and any disciplinary action based on it will conform to existing county practices and policies.

1. The County maintains a computer network and associated equipment with coincident Internet access available to many county employees. This system is provided by the County to assist in the conduct of the County's business within and among the several county offices and with coordinate outside agencies, vendors and the public.
2. The computer network system hardware is county property. Additionally, all data transiting that system are and remain the property of the County and substantially all are regarded as public records under applicable state law. They are not the property of any employee and thus not subject to an expectation of privacy. Standards for retention, deletion and purging of files, data, programs and the like shall be determined by each department or office according to its needs and any applicable state or federal laws. With the permission of the elected official or department head, county employees may use the Internet for personal use during meal time or other breaks, or outside work hours, so long as those employees adhere to the use policies set forth.
3. The County's computer network and equipment should not be used to solicit or advocate for or to respond to or participate in commercial ventures, religious or political causes, outside organizations, or other non-job-related undertakings except as required by the job or function performed by the person on behalf of the County.
4. The County's computer network and equipment is not to be used to create, acquire or circulate any obscene, offensive, illegal, derogatory or disruptive messages or material. The County's long-standing policies concerning harassment and discrimination apply with equal force to all modes of communication, including electronic mail, message boards, chat rooms, and to any materials which can be viewed, heard, stored, or otherwise manipulated using the County's computer network and equipment.
5. The County's computer network and equipment should not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization or contrary to restrictions imposed by the materials' owner.

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6. The County reserves and intends to exercise the right to review, audit, intercept, access, and disclose all data transiting the County's computer network and equipment for any purpose, at any time, with or without notice.
7. Employees should not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages or a file without the latter's permission. Management of passwords, codes and encryption will be administered by the County's Information Technology Department and its designated system administrators in consultation with department heads. Interference with such administration will be addressed on a case-by-case basis in conformity with existing County disciplinary practices and policies.

Approved by the Apache County Board of Supervisors on December 21, 1999.

**7.42 Coverage:**

*This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.*

## **7.5 ELECTRONIC MAIL POLICY**

### **7.51 Policy**

Apache County has established a policy with regard to use of the County's Electronic Mail (e-mail). The County intends to honor the points set forth below but must reserve the right to change them at any time as may be required under the circumstances. Enforcement of the policy and any disciplinary action based on it will conform to existing county practices and policies.

1. Apache County maintains an e-mail system. The system is provided by Apache County to assist employees with their job functions. All messages written, sent or received on the e-mail system are the property of Apache County and may constitute intellectual property of the County.
2. Except as noted below, employees have no expectation of privacy in their e-mail. E-mail messages may be subject to disclosure as Public Records unless they fall into an exemption recognized by statute or law. E-mail may also be monitored, reviewed, audited, accessed or disclosed by Apache County. Employees should be aware that even when a message is erased, it is still possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality. Therefore, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical and lawful.
3. In accordance with E.R. 1.6, Confidentiality of Information, Rules of the Supreme Court, Rule 42, Professional Conduct, no electronic messages created received or sent over the internet by or to an employee or agent of the Apache County Attorney's Office may be monitored or accessed without the prior written authorization of the Apache County Attorney or his designee.
4. Employees should not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages or a file without the latter's permission. Management of passwords, codes and encryption will be administered by the County's Information Technology Department and its designated system administrators in consultation with department heads. Interference with such administration will be addressed on a case-by-case basis in conformity with existing County disciplinary practices and policies.
5. E-mail should not be used for: non-job-related solicitations; religious or political causes; creating offensive or disruptive messages that contain sexual references or that offensively address race, color, religion, gender, national origin, sexual orientation, age, physical or mental disability, or veteran status; transmitting graphic images unrelated to County business; issuing or forwarding "chain mail" or advertisements (unless they are approved or sponsored organizations benefiting

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County employees); uploading or downloading copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization; retrieving or reading, without the sender's approval, any e-mail messages not intended for the employee; any activity that violates established County policy.

6. Standards for retention, deletion and purging of e-mail shall be determined by each department or office according to its needs and any applicable state or federal laws. Communications subject to an existing public records request or to formal discovery in ongoing litigation will be preserved in the appropriate file or word processing system.

**7.52 Coverage:**

*This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.*

## **7.6 EDUCATIONAL ASSISTANCE PROGRAM**

### **7.61 Policy:**

The employees, Elected Officials, and Department Heads (“employees”) of Apache County are its greatest assets. In an effort to promote enhanced performance, professional development and employee retention, Apache County provides eligible employees assistance with the financial costs associated with continued higher education. This education expands job knowledge, upgrades skills, helps employees meet the minimum requirements for County jobs, assists employees in completing certifications or college coursework, and prepares employees for other lines of work within Apache County. This program is funded each fiscal year by the Board of Supervisors, or by each Department or Elected Official’s Office, as budgets may allow. Participation in the program is at the sole discretion of the Elected Official/Department Head. The program does not cover the cost of supplies, travel, or late/penalty fees. The employee must pay for the class or classes and only upon successful completion of the requirements of the Educational Assistance Program will the employee be reimbursed. Participation in the program does not create a contract or obligation between the employee and Apache County. All employees who participate in the Educational Assistance Program understand this program is for the employee’s benefit and may change based on budget and other such considerations at the sole discretion of the Elected Official/Department Head.

### **7.62 Eligibility:**

To be eligible for educational assistance an employee must meet the following criteria:

- A. Be a full-time employee; and
- B. Successfully completed probation. The standard probationary term is six months. Departments with a twelve-month probationary period, may allow their employees to participate in the program with Elected Official/Department Head approval after six months of employment; and
- C. Obtain appropriate authorization; and
- D. Be enrolled in a nationally accredited community college, college, or university; and
- E. Courses must be relative to employee’s current or plausible future job duties; and
- F. Receive a grade of “C” or better in any class submitted for reimbursement; and
- G. Agree to and sign the repayment agreement.

### **7.63 Procedure:**

- A. Application Process
  1. The application for participation in the program shall include the signature of the Elected Official/Department Head authorizing an employee’s participation in the program.
  2. Completed applications (including proof of course registration, course schedule, and repayment agreement) must be submitted to Human Resources for review to verify compliance with this policy by the following dates. Late applications will be considered after all timely applications have been processed, but in no case will an application be considered if it is 30 days past the deadline.:
    - a. Fall Semester: July 31<sup>st</sup>
    - b. Spring Semester: December 31<sup>st</sup>
    - c. Summer Semester: May 30<sup>th</sup>
  3. Participation in the program will be determined based upon the availability of funds as determined by the Board of Supervisors, Elected Official, or Department Head.

4. Employees approved for participation in the program will be notified in writing by the Human Resources Department after all paperwork, forms and approval from the Elected Official or Department Head are received.

**B. Tuition Reimbursement**

1. A tuition reimbursement form must be submitted to Human Resources within 30 days after the course completion date.
2. Tuition reimbursement requests must be accompanied by transcripts and payment receipts from a nationally accredited community college, college, or university.
3. Tuition reimbursement will be at a rate of 100% for the cost of tuition, subject to the following:
  - a. Any semester reimbursement shall not exceed:
    - i. For a nationally accredited community college, the rate for that semester as set forth by the Maricopa County Community College District.
    - ii. For a nationally accredited college or university, the rate for that semester as set forth by the Board of Regents for Arizona State University.

**C. Repayment**

1. Employees who fail to submit a completed reimbursement form by the 30-day deadline will not be eligible for reimbursement.
2. If an employee's employment with the County ends, for any reason, within two years of receiving tuition reimbursement, the employee must refund all tuition reimbursements made by the County in the twenty-four months prior to the last day of employment according to the table below. As set forth on the tuition repayment agreement, the employee expressly agrees that such refund for tuition expenses can and will be taken from the employee's last paycheck(s).

<b>Time Elapsed</b>	<b>Percentage of Repayment</b>
Amount of time between the date(s) of the Tuition Reimbursement and the employee's Separation Date.	Applicable to the amount of the Tuition Reimbursement received during the 24 months prior to the employee's Separation Date.
6 months or less	100%
6 – 12 months	75%
12-18 months	50%
18-24 months	25%

## **7.7 CELLULAR PHONE POLICY**

### **7.71 Policy:**

Apache County has established a policy with regard to use of the County's cellular phones. The county intends to follow the procedures set forth below but must reserve the right to change them at any time as may be required under the circumstances. Enforcement of the policy and any disciplinary action based on it will conform to existing county practices and policies.

### **7.72 Procedure:**

- A. The purchase and renewal of cell phone contracts/calling plans will be at the discretion of the Elected Official or Department Head.
- B. All cellular phones and accessories are the property of Apache County and must be surrendered upon request.
- C. Cellular phones are to be used for official county business only.
- D. Employees are expected to adhere to the contract/calling plan approved by the Elected Official or Department Head. All incoming and outgoing personal calls, text messages, or other personal use of cellular services will be reimbursed at the rate of the contract/calling plan. The employee will have the responsibility to justify any and all personal calls and contract/plan overages to the Elected Official and/or Department Head.
- E. Every month employees will receive a statement of their cellular phone usage. Employee's assigned phones are to review the bill and reimburse the county for any excess usage or personal calls at the amounts stated in section D above. Payment must be presented within 10 days of receiving the statement.
- F. Failure to return the monthly statement, or failure to reimburse the county for cellular phone usage, may result in disciplinary action.
- G. The employee will sign an agreement with the understanding that the cellular phone and all accessories assigned to them are their responsibility. The employee further understands that if any cellular equipment is lost or broken, they agree to reimburse the county the cost to replace those items.
- H. There will be no changes of plans or equipment by the employee, unless appropriate authorization is granted.
- I. The employee understands that reimbursing the cost of personal/excess usage or replacement of damaged or lost equipment, does not waive the County's right to discipline the employee for improper use of County property.
- J. Failure to abide by the above stated conditions will result in disciplinary action.
- K. At the end of each fiscal quarter the Elected Official or Department Head will review the cell phone records in their department. This review will be conducted with the objective of determining whether cell phones are being used for official use. If personal use

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is discovered, then the Elected Official or Department Head shall ensure that reimbursement is being made and that the employee has been counseled on proper county cell phone usage.

**7.73 Coverage:**

*This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.*