

CACHE COUNTY COUNCIL

DAVID L. ERICKSON, *CHAIR*

BARBARA Y. TIDWELL, *VICE CHAIR*

KATHRYN A BEUS

SANDI GOODLANDER

NOLAN P. GUNNELL

MARK R. HURD

KARL B. WARD



199 NORTH MAIN STREET
LOGAN, UT 84321

435-755-1840

www.cachecounty.org

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **TUESDAY, MARCH 12, 2024**

Council meetings are live streamed on the Cache County YouTube channel at:

<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

AGENDA

COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING** – Councilmember Barbara Tidwell
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (February 27, 2024)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:**
 - b. **Other Items:**
 6. **ITEMS OF SPECIAL INTEREST**
 7. **DEPARTMENT OR COMMITTEE REPORTS**
 8. **BOARD OF EQUALIZATION**
 - a. **Property Tax Exemptions**
 1. Charitable
 2. Charitable Low Income Housing
 3. Educational
 4. Religious
- 5:30 p.m.**
(Estimated)
9. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for March 26, 2024 – Resolution 2024-06 – Appointing New Members to the Paradise Cemetery District**
 - b. **Set Public Hearing for March 26, 2024 – Resolution 2024-07 – Opening the 2024 Budget**
 10. **PENDING ACTION**
 11. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. **Resolution 2024-04** **A Resolution Amending Section X of the County Personnel Policies and Procedures Manual Regarding Grievances and Appeals**
 - b. **Resolution 2024-05** **A Resolution Amending Section VIII.AA of the County Personnel Policies and Procedures Manual Regarding Domestic Violence, Sexual Violence and Stalking**

12. **OTHER BUSINESS**

a. **UAC Building Utah Conference**

April 10-11, 2024

b. **UAC Management Conference**

April 30 – May 1, 2024 in St. George

Barbara, Karl, Dave(?), Mark, Kathryn, Sandi

c. February 2024 Building Permits

13. **COUNCIL MEMBER REPORTS**

14. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(c) – Strategy session to discuss pending or reasonably imminent litigation

15. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence, or physical or mental health of an individual

16. **ADJOURN**



David L. Erickson, Chair

CACHE COUNTY COUNCIL

February 27, 2024 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

STAFF PRESENT: LaChelle Enright, David Benson, Scott Bodily, Robert Johnson, Bart Esplin, Alma Burgess, Dianna Schaeffer, Amy Adams, Terryl Warner

OTHER ATTENDANCE: Megan Johnson

Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson [0:08](#)

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Kathryn Beus [0:21](#)

3. **Review and Approval of Agenda APPROVED** [1:17](#)

Action: Motion made by Councilmember Nolan Gunnell to approve the amended agenda; seconded by Councilmember Barbara Tidwell. [1:30](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

4. **Review and Approval of Minutes APPROVED** [1:40](#)

Action: Motion made by Councilmember Karl Ward to approve the minutes; seconded by Councilmember Barbara Tidwell. [1:46](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

5. **Report of the County Executive** [1:57](#)

A. Appointment/Discussion [2:01](#)

Executive Zook introduces three individuals for a Career Service Council 1) Ambree Darley, 2) Doug Bullock, 3) Jake Gordon, and thanked HR Director Amy Adams for locating experts in the community to serve. [2:04](#) Council Member Sandi Goodlander asked what specifically their roles will be. [4:47](#) Chair David Erickson asked how long the duration of the term will be. Executive Zook answered one year. [5:20](#)

David Zook corrected himself on the length of the term. Alternates are 1 year but primary positions are 3 years. [36:22](#)

Action: Motion made by Councilmember Barbara Tidwell to accept Ambree Darley, Doug Bullock and Jake Gordon to the Career Service Council; seconded by Councilmember Kathryn Beus. [5:33](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

6. Items of Special Interest [5:57](#)

A. Bear River Mental Health Audited Financial Statements – Rob Johnson, Bear River Mental Health [6:03](#)

Rob Johnson presented the Bear River Mental Health Audited Financial Statements from June 2022-23. [6:32](#) Rob Johnson presented the Auditor's report. [7:38](#) Rob Johnson highlighted some specific numbers in the report. [8:19](#) Councilmember Karl Ward commented on the good cash ratio the report shows. [9:35](#) Rob Johnson discussed the difference in revenue and expenditure from the previous year. [10:03](#) Rob Johnson discussed the functional expenses. [11:00](#) Councilmember Sandi Goodlander asked if the BRMH had received any of the state funds for the receiving center. [11:34](#) County Executive David Zook expressed his appreciation for Rob Johnson's hard work at BRMH. [12:10](#)

B. Update on the Status of Remaining ARPA Funds – Alma Burgess, Cache County Finance Division [12:57](#)

Alma Burgess discussed the quarterly report. [13:07](#) Alma Burgess is getting month updates from the department heads. [14:01](#) Alma Burgess followed up on projects that the council were worried would be underspent and discussed other projects that the unspent funds could be used on. [14:25](#) Alma Burgess discussed the timeline of some of the projects for completion. [17:35](#) Alma Burgess suggested that the council start discussing how to utilize the buffer and other unspent funds. [18:28](#) Councilmember Karl Ward discussed seeing if any of the Capital expenditures could be approved with ARPA funds. [19:30](#) Councilmember Sandi Goodlander asked if ARPA funds that were obligated by the deadline but then underspent after the deadline could be reallocated. [20:11](#) Councilmember Sandi Goodlander said that for this round, county departments should have preference. Council agreed and discussed further what that entailed. [21:16](#)

C. Approval of the Transfer of ARPA Funds in Recorder's Office – Alma Burgess, Cache County Finance Division [23:14](#)

Discussion: Alma Burgess discussed the two projects that were approved previously by the council. County Recorder is hoping to transfer funds between the two projects. [23:33](#) Chair David Erickson asked if the approval had to happen at a budget opening. [25:54](#)

Action: Motion made by Councilmember Mark Hurd to approve the transfer of \$4000 of ARPA funds between two projects in the Recorder's office; seconded by Councilmember Kathryn Beus. [26:33](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

D. Reassignment of RAPZ Funds in Fairgrounds Budget – Bart Esplin, Fairgrounds Manager [27:26](#)

Discussion: Bart Esplin discussed a ventilation project from 2021, and requested an extension to use the RAPZ funds for that project. [27:39](#) Bart Esplin asked for approval to use leftover RAPZ funds from the 2023 project of new flooring to buy new goat panels. [28:57](#)

Action: Motion made by Councilmember Karl Ward to reassign the RAPZ funds as requested by Bart Esplin, Fairgrounds Manager; seconded by Councilmember Nolan Gunnell. [30:19](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

7. Department or Committee Reports

8. Board of Equalization [30:53](#)

Exclusive Use Exemptions- Dianna Schaeffer presented 29 exemptions. [31:01](#) Councilmember Karl Ward asked if Dianna if she had an estimate on the amount of property tax that was being exempted. [32:21](#) Dianna Schaeffer mentioned the low income exemptions that she will present at the next meeting. [34:05](#)

1. Religious-14
2. Education-4
3. Charitable-11

Action: Motion made by Councilmember Barbara to enter into the board of equalization; seconded by Councilmember Sandi Goodlander. [31:40](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

Action: Motion made by Councilmember Barbara Tidwell to approve all 29 applications for 2024 exemptions; seconded by Councilmember Kathryn Beus. [31:51](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

9. Public Hearings

- A. Set Public hearing for March 26, 2024 – *Ordinance 2024-03 – An Ordinance to vacate the county road right-of-way located south of Millville City along 500 East, south of 3800 South and north of 4200 south. Including the right-of-ways between the Blacksmith Fork River and 600 East.* [35:20](#)

Discussion:

Action: Motion made by Councilmember Karl Ward to set the public hearing for March 26 for Ordinance 2024-03; seconded by Councilmember Barbara Tidwell. [35:28](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

10. Pending Action

11. Initial Proposals for Consideration of Action [36:11](#)

- A. *Resolution 2024-03* **A Resolution amending the Personnel Policy and Procedure Manual to Establish a Policy for On-Call Time in the County**

Discussion: Amy Adams presented a new policy for how on-call time would be handled. [36:44](#) Councilmember Sandi Goodlander asked if the new policy would change anything that the county has already been doing. [37:37](#)

Action: Motion made by Councilmember Sandi Goodlander to approve Resolution 2024-03; seconded by Councilmember Nolan Gunnell. [38:24](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

12. Other Business

- A. **UAC Building Utah Conference** **April 10-11, 2024**
Council chair said if anyone wanted to go to talk with Micah Safsten to get it arranged. [38:53](#)

B. UAC Management Conference [39:19](#)

**April 30 – May 1, 2024 in St. George
Barbara, Karl, Dave (?), Mark, Kathryn, Sandi**

Council discussed getting hotels arranged with Micah Safsten. [39:27](#)

C. January 2024 Recategorization Report

Reports were not sent to council, Micah Safsten will send them over for council to review. [40:44](#)

D. January 2024 Expense Report

E. Discuss any updates from the legislative session [41:10](#)

Micah Safsten discussed bill HB-270 and its current status. [42:04](#) Micah Safsten and council discussed Utah Fair Park Area Investment & Restoration District bill. [44:08](#)

13. Councilmember Reports

David Erickson – nothing to report [50:00](#)

Sandi Goodlander – There is a change in the RFG with the homeless council, where the homeless council has a little more control with state grants. [49:30](#)

Karl Ward – nothing to report [49:56](#)

Barbara Tidwell – nothing to report [49:28](#)

Kathryn Beus – nothing to report [49:25](#)

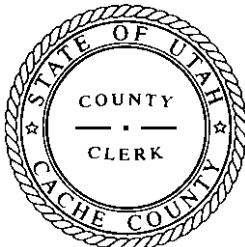
Nolan Gunnell – nothing to report [49:18](#)

Mark Hurd – nothing to report [49:12](#)

Adjourn: 6:50 PM

**APPROVAL: David Erickson, Chair
Cache County Council**

**ATTEST: David Benson, Clerk
Cache County Council**





**CACHE COUNTY
RESOLUTION NO. 2024 - 04**

**A RESOLUTION AMENDING SECTION X OF THE COUNTY PERSONNEL
POLICIES AND PROCEDURES MANUAL REGARDING GRIEVANCES AND
APPEALS**

- A) WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B) WHEREAS, Utah Code Ann. § 17-33, the County Personnel Management Act, requires that any county that has greater than 200 employees not covered by the Peace Officer Merit System and Firemen’s Civil Service Commission comply with the provisions of Utah Code § 17-33; and
- C) WHEREAS, the number of County employees not covered by the Peace Officer Merit System and Firemen’s Civil Service Commission has surpassed 200; and
- D) WHEREAS, on September 6, 2023, the Cache County Executive signed Executive Order 2023-01 creating an Office of Personnel Management for Cache County; and
- E) WHEREAS, on September 12, 2023, the Cache County Council passed Ordinance 2023-34, which implemented the changes of Executive Order 2023-01 and Utah Code Ann. § 17-33 into county code; and
- D) WHEREAS, the Ordinance and Policy Review Committee approved this policy at its March 8, 2024 meeting with a vote of 3-0;

Now, therefore, the Cache County Council hereby ordains, as follows:

Section 1: Section X of the Cache County Personnel Policy and Procedures Manual shall be amended as follows, with a redline version included as Exhibit 1:

Section X – Grievances and Appeals

A. Definition

A grievance is a dispute or complaint arising between an employee and the County. A grievance includes but is not limited to acts of discrimination as defined in the County’s EEO policy, or the event of a dismissal, demotion, suspension, or transfer.

B. Policy

1. It is Cache County's policy to address employee grievances promptly and fairly. The grievance and appeals procedure is available only to merit employees who have completed



the orientation period. This policy does not apply to Public Safety employees. Public Safety employee grievances are to be addressed through the Merit Commission.

2. There may be circumstances in which an employee believes that he or she has received unfair treatment or when an employee feels dissatisfied with some aspect of his or her employment over which he or she has no control and for which he or she desires action. Employees who have grievances created by work situations have the right to submit such grievances for orderly disposition.
3. Employees will not be discriminated against, coerced, restrained, or retaliated against in any way for using the grievance procedure.
4. The Director of Personnel Management has the authority to grant time extensions under the policy based on a reasonable cause (e.g., staff availability or other extenuating circumstances).

C. Resolving Grievances

1. STEP 1: INITIAL REPORT AND RESPONSE

- a. The employee should communicate the complaint or grievance to his or her Department Head or the Director of Personnel Management. This initial communication need not be in writing. When making his or her initial report, the employee should identify the problem and suggest a possible solution or solutions to the Department Head or Director of Personnel Management. All grievances must be communicated within 5 working days after the incident occurs or a situation arises.
- b. After receipt of an initial communication of a grievance, the Department Head in collaboration with the Director of Personnel Management will respond within 5 working days to the employee with a proposed solution or other response. The response of the Department Head or Director of Personnel Management to the initial report need not be in writing.

2. STEP 2: WRITTEN REPORT AND RESPONSE

- a. If the grievance is not satisfactorily resolved through the response of the Department Head or Director of Personnel Management to the initial report, the employee must submit a written grievance on the Grievance Form (available from the Office of Personnel Management) within 10 working days of receiving the response from the Department Head or Director of Personnel Management to the initial report. The completed Grievance Form will need to be delivered to the Director of Personnel Management either in person or by email followed by a phone call to verify receipt of the email.
- b. The Department Head and the Director of Personnel Management have 10 working days to review and respond to the written grievance. This response to the employee will be in written form and will be delivered personally or by email with a phone call to verify receipt of the email.



3. STEP 3: APPEAL

- a. If not satisfied with the written response of the Department Head and Director of Personnel Management, the employee may submit an appeal to the Career Service Council within 10 working days of the receipt of the decision in Step 2.
- b. The appeal must include:
 - The Grievance Form;
 - A statement of relevant facts and any applicable rules, policies, or laws;
 - Supporting documentation (writings, photographs, video or audio recordings, list of witnesses, witness statements, etc.);
 - And a recommendation and request for a solution.
- c. The Career Service Council, in its discretion, may accept but need not consider documents not provided in the original appeal.
- d. The Career Service Council has up to 10 working days to meet and determine if a hearing should be held.
- e. If the Career Service Council determines that a hearing is not justified, it will explain the decision and recommend a solution in writing to the employee and the Department Head along with a copy of the writing to the Director of Personnel Management. The recommendation of the Grievance Committee is final.
- f. If the Career Service Council determines that a hearing is justified, the hearing will be held within 30 calendar days.

4. STEP 4: HEARING PROCEDURE

- a. The hearing will not exceed 2 hours unless the Career Service Council determines that more time is needed to understand the facts of the grievance. The allotted time will be divided equally between the grieving party and the respondent. The Career Service Council has the authority to request that relevant facts be presented and to keep the grievance in line with the initial appeal.
- b. The employee is responsible to provide his or her representative if desired. The County will not provide a representative for the employee.
- c. At the hearing, the employee or his or her representative shall establish the basis of the employee's grievance.
- d. The respondent will also review his or her findings with the Career Service Council.
- e. Parties to the grievance may call witnesses who shall be sworn in by the Career Service Council chairperson before testifying.
- f. The Career Service Council may ask questions and gather relevant information as it deems appropriate.



- g. Upon completion of the hearing, the Career Service Council shall render a written decision to the employee and the respondent within 10 working days of the conclusion of the hearing. The decision of the Career Service Council is by a majority vote.
- h. An employee adversely affected by a decision of the Career Service Council may appeal the decision to the district court within 30 days after the Career Service Council issues its decision. The district court shall be limited to the record proved by the Career Service Council. The district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.
- i. Only the Career Service Council shall make a record of the hearing and its decision; however, recording of the deliberations of the Career Service Council is not allowed. Grieving parties may make a written request for an official copy of the record or any recordings.
- j. The hearing, the deliberations, and other proceedings before the Career Service Council are not open or public meetings. All documents and associated support materials, including, but not limited to, the grievance form, evidence, and committee decisions, are classified as private for purposes of the Government Records Access Management Act.

D. The Career Service Council: This is a brief overview, the full description of duties and requirements of the Career Service Council is defined in Utah Code 17-33-4

1. The Career Service Council shall consist of three members appointed by the County Executive. The members of the Career Service Council will serve for no more than three years, expiring on June 30, three years after the date of appointment
2. The Career Service Council shall elect one of its members as chairperson, and two or more members constitute a quorum necessary for carrying on the business and activity of the Career Service Council.
3. Conflict of Interest: Upon receipt of the appeal, the Career Service Council Chair will inform all committee members. If any member of the Career Service Council has a direct conflict of interest with an appeal an alternate member will replace that member for this specific appeal only.
4. Unavoidable Circumstances: If a committee member or the chairperson has an unforeseen event on the day of the grievance hearing, the hearing will be rescheduled within 10 working days to allow the alternate member to review the information that has been submitted for the hearing.
5. State Law Governs: If this policy conflicts with state law, state law shall govern.

Section 2: This resolution shall go in effect immediately upon passage of the County Council.

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS ___ DAY
OF _____ 2024.



	In Favor	Against	Abstained	Absent
Kathryn Beus				
David Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total				

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
David Benson, County Clerk / Auditor

Redline Version:

Section X – Grievances and Appeals

A. Definition

A grievance is a dispute or complaint arising between an employee and the County. A grievance includes but is not limited to acts of discrimination as defined in the County's EEO policy, or the event of a dismissal, demotion, suspension, or transfer.

B. Policy

1. It is Cache County's policy to address employee grievances promptly and fairly. The grievance and appeals procedure is available only to merit employees ~~that~~ who have completed the orientation period. This policy does not apply to Public Safety employees. Public Safety employee grievances are to be addressed through the Merit Commission. ~~Public Safety employees in a supervisory position may, however, serve on the Grievance Committee as defined below.~~
2. There may be circumstances in which an employee believes that he or she has received unfair treatment or when an employee feels dissatisfied with some aspect of his or her employment over which he or she has no control and for which he or she desires action. Employees who have grievances created by work situations have the right to submit such grievances for orderly disposition.
3. Employees will not be discriminated against, coerced, restrained, or retaliated against in any way for using the grievance procedure.
4. The Director of ~~Human Resources~~ Personnel Management has the authority to grant time extensions under the policy based on a reasonable cause (e.g., staff availability or other extenuating circumstances).

C. Resolving Grievances

1. STEP 1: INITIAL REPORT AND RESPONSE

- a. The employee should communicate the complaint or grievance to his or her Department Head or the Director of ~~Human Resources~~ Personnel Management. This initial communication need not be in writing. When making his or her initial report, the employee should identify the problem and suggest a possible solution or solutions to the Department Head or Director of ~~Human Resources~~ Personnel Management. All grievances must be communicated within 5 working days after the incident occurs or a situation arises.
- b. After receipt of an initial communication of a grievance, the Department Head in collaboration with the Director of ~~Human Resources~~ Personnel Management will respond within 5 working days to the employee with a proposed solution or other



response. The response of the Department Head or Director of ~~Human Resources Personnel Management~~ to the initial report need not be in writing.

2. STEP 2: WRITTEN REPORT AND RESPONSE

- a. If the grievance is not satisfactorily resolved through the response of the Department Head or Director of ~~Human Resources Personnel Management~~ to the initial report, the employee must submit a written grievance on the Grievance Form (available from the ~~Director of Human Resources Office of Personnel Management~~) within 10 working days of receiving the response from the Department Head or Director of ~~Human Resources Personnel Management~~ to the initial report. The completed Grievance Form will need to be delivered to the Director of ~~Human Resources Personnel Management~~ either in person or by email followed by a phone call to verify receipt of the email.
- b. The Department Head and the Director of ~~Human Resources Personnel Management~~ have 10 working days to review and respond to the written grievance. This response to the employee will be in written form and will be delivered personally or by email with a phone call to verify receipt of the email.

3. STEP 3: APPEAL

- a. If not satisfied with the written response of the Department Head and Director of ~~Human Resources Personnel Management~~, the employee may submit an appeal to the ~~Grievance Committee Career Service Council~~ within 10 working days of the receipt of the decision in Step 2.
- b. The appeal must include:
 - The Grievance Form;
 - A statement of relevant facts and any applicable rules, policies, or laws;
 - Supporting documentation (writings, photographs, video or audio recordings, list of witnesses, witness statements, etc.);
 - And a recommendation and request for a solution.
- c. The ~~Grievance Committee, Career Service Council~~, in its discretion, may accept but need not consider documents not provided in the original appeal.
- d. The ~~Grievance Committee Career Service Council~~ up to 10 working days to meet and determine if a hearing should be held.
- e. If the ~~Grievance Committee Career Service Council~~ determines that a hearing is not justified, it will explain the decision and recommend a solution in writing to the employee and the Department Head along with a copy of the writing to the Director of ~~Human Resources Personnel Management~~. The recommendation of the Grievance Committee is final.
- f. If the ~~Grievance Committee Career Service Council~~ determines that a hearing is justified, the hearing will be held within 30 calendar days.

4. STEP 4: HEARING PROCEDURE

- a. The hearing will not exceed 2 hours unless the ~~Grievance Committee Chair~~ Career Service Council determines that more time is needed to understand the facts of the grievance. The allotted time will be divided equally between the grieving party and the respondent. The ~~Grievance Committee~~ Career Service Council has the authority to request that relevant facts be presented and to keep the grievance in line with the initial appeal.
- b. The employee is responsible to provide his or her representative if desired. The County will not provide a representative for the employee.
- c. At the hearing, the employee or his or her representative shall establish the basis of the employee's grievance.
- d. The respondent will also review his or her findings with the ~~Grievance Committee~~ Career Service Council.
- e. Parties to the grievance may call witnesses who shall be sworn in by the ~~Grievance Committee~~ Career Service Council chairperson before testifying.
- f. The ~~Grievance Committee~~ Career Service Council may ask questions and gather relevant information as it deems appropriate.
- g. Upon completion of the hearing, the ~~Grievance Committee~~ Career Service Council shall render a written decision to the employee and the respondent within 10 working days of the conclusion of the hearing. The decision of the ~~Grievance Committee~~ Career Service Council is by a majority vote. ~~The decision of the committee is final.~~
- gh. An employee adversely affected by a decision of the Career Service Council may appeal the decision to the district court within 30 days after the Career Service Council issues its decision. The district court shall be limited to the record proved by the Career Service Council. The district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.
- hi. Only the ~~Grievance Committee~~ Career Service Council shall make a record of the hearing and its decision; however, recording of the deliberations of the ~~committee~~ Career Service Council is not allowed. Grieving parties may make a written request for an official copy of the record or any recordings.
- ij. The hearing, the deliberations, and other proceedings before the ~~Grievance Committee~~ Career Service Council are not open or public meetings. All documents and associated support materials, including, but not limited to, the grievance form, evidence, and committee decisions, are classified as private for purposes of the Government Records Access Management Act.



D. The ~~Grievance Committee~~ Career Service Council: This is a brief overview, the full description of duties and requirements of the Career Service Council is defined in Utah Code 17-33-4

~~1. The Grievance Committee~~ Career Service Council shall consist of ~~five~~ three members and alternates, ~~recommended by the Director of Human Resources,~~ appointed by the County Executive, ~~and confirmed by the County Council.~~ The ~~committee members of the Career Service Council~~ will serve for no more than ~~three~~ 4 years, expiring on June 30, three years after the date of appointment.

~~42. The Career Service Council shall elect one of its members as chairperson, and two or more members constitute a quorum necessary for carrying on the business and activity of the Career Service Council. The committee shall consist of:~~

- ~~• One Elected Official or appointed Department Head within Cache County to serve as the Committee Chair.~~
- ~~• Two merit employees in a supervisory capacity (e.g. Lieutenant, Sergeant, Foreman, Manager, Supervisor, etc.)~~
- ~~• Two other merit employees who are not elected or appointed and not in a supervisory capacity.~~
- ~~• All members of the committee must be from different departments.~~
- ~~• The Director of Human Resources or HR Staff may not serve on the Grievance Committee~~

~~2. Legal Counsel: The County Attorney, or designee, will serve as legal counsel to the grievance committee and chairperson. The County Attorney's Office will designate separate legal counsel for a Department Head if the grievance is against a Department Head. Legal Counsel from the County Attorney's office will abide by all rules of professional conduct relating to the separate representation.~~

~~3. Conflict of Interest: Upon receipt of the Appeal, the Committee~~ Career Service Council Chair will inform all committee members. If any member of the ~~Grievance Committee~~ Career Service Council has a direct conflict of interest with an appeal ~~or is from the same department as the appealing employee,~~ an alternate member will ~~be appointed by the County Executive to~~ replace that member for this specific appeal only. ~~If the employee believes that a conflict of interest exists with a member of the Grievance Committee, the employee may request that member of the grievance committee be replaced by an alternate member. In that event, an alternate member shall be appointed for that appeal only as determined by the County Executive in consultation with the Director of Human Resources.~~

~~4. Unavoidable Circumstances: If a committee member or the chairperson has an unforeseen event on the day of the grievance hearing, the hearing will be rescheduled within 10 working days to allow the alternate member to review the information that has been submitted for the hearing.~~

~~4.5. State Law Governs: If this policy conflicts with state law, state law shall govern.~~



**CACHE COUNTY
RESOLUTION NO. 2024 - 05**

**A RESOLUTION AMENDING SECTION VIII.AA OF THE COUNTY PERSONNEL
POLICIES AND PROCEDURES MANUAL REGARDING DOMESTIC VIOLENCE,
SEXUAL VIOLENCE AND STALKING**

- A) WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B) WHEREAS, current county policy concerning the reporting of domestic violence, sexual violence and stalking requires improvements to reporting requirements; and
- C) WHEREAS, these improvements will ensure the county’s eligibility for federal and state grants, as well as provide additional protections to its employees; and
- D) WHEREAS, the Ordinance and Policy Review Committee approved this policy at its March 8, 2024 meeting with a vote of 3-0;

Now, therefore, the Cache County Council hereby ordains, as follows:

Section 1: Section VIII.AA of the Cache County Personnel Policy and Procedures Manual shall be amended as follows, with a redline version included as Exhibit 1:

Section VIII.AA – Domestic Violence, Sexual Violence, and Stalking

1. Purpose

This policy is part of Cache County's commitment to a safe and supportive organizational climate and to the prevention and reduction of the occurrence and effects of workplace-related incidents of sexual misconduct, domestic violence, and dating violence (hereinafter "violence"). Violence can be workplace-related even if incidents occur elsewhere. Cache County recognizes that violence presents unique issues for its employees, volunteers, consultants, and contractors (hereinafter "workers").

The purposes and goals of this policy are to:

- Institutionalize responsive policies and procedures to assist and support workers who are impacted by violence;
- Discipline and hold accountable workers who use violence, which - in certain cases - may include such assistive and supportive measures as requiring counseling; and



- Assure that workers who use violence are prohibited from occupying positions that could undermine Cache County's ability to carry out federal Office on Violence Against Women grant-funded projects.

2. Definitions

The following terms have the indicated meanings for purposes of this Subsection AA and are listed alphabetically, not in any order of importance::

- "Adjudication" includes a conviction or issuance of a final protection order, stalking injunction, court-ordered diversion, or other judicial finding that the employee, volunteer, consultant, or contractor has engaged in domestic violence, dating violence, sexual assault, or stalking.
- "Domestic violence," "dating violence," "sexual assault," and "stalking" have the meanings given in 34 U.S.C. § 12291(a).
- "Retaliation" an adverse action or credible threat of an adverse action against another for good faith reporting, conducting an investigation, or participating in any permitted activity under this policy. Retaliation includes conduct intended to restrain or conduct that has the effect of restraining employees from participating in protected activities under this policy.
- "Sexual misconduct" means sexual assault, stalking, and sexual harassment.
- "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker, volunteer, or contractor.
- "Workplace" an individual is considered to be in the "workplace" of Cache County while in, or using the resources of, Cache County's offices or facilities, using its equipment or vehicles, engaging in approved telework, on work-related travel, or otherwise conducting business on behalf of Cache County. The availability and nature of the response to a workplace-related incident may depend on the location at issue.
- "Workplace-related incidents" of sexual misconduct, domestic violence, and dating violence include acts, attempted acts, or threatened acts by or against employees, consultants, volunteers, or contractors that occur in the workplace or that occur outside the workplace but have an impact on the workplace or otherwise undermine the ability of Cache County to carry out federal Office on Violence Against Women grant-funded projects.



3. Persons Covered by this Policy

Persons covered by this policy include full and part-time employees, volunteers, consultants, and contractors engaged by - or in any location or event controlled or sanctioned by - Cache County.

4. Statement of Confidentiality

Cache County recognizes and respects a worker's right to privacy and the need for confidentiality and autonomy. Cache County will maintain the confidentiality of a worker's disclosure regarding violence to the extent allowed by law unless doing so would result in physical harm to any person and/or jeopardize safety within any location or event controlled by Cache County or if disclosure is required to ensure compliance with this policy.

When information must be disclosed to protect the safety of individuals within any location or event controlled by Cache County or to comply with this policy, Cache County will limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing workers and others and to comply with the law. Cache County will provide advance notice to the worker who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in any location or event controlled by Cache County or elsewhere.

Cache County will also provide the worker with the name and title of the person to whom Cache County intends to share the worker's statements and will explain the necessity and purpose of the disclosure.

5. Responses to Violence

A. Reporting by Workers with Information About Violence:

Workers who have information about or witness an act of violence perpetrated by another worker or who have information about or witness violence against a worker are encouraged to report this information to the Director of Personnel Management.

Supervisors who have information about or witness an act of violence perpetrated by another worker or supervisor or who have information about or witness violence against a worker or supervisor, are required to report this information to the Director of Personnel Management.

B. Responses to Workers Accused of Using Violence

If Cache County receives information that alleges or suggests that a worker has committed an incident of workplace-related violence, or if any manager or supervisor receives information that any worker has engaged in any incident of workplace-related violence, then the matter must be



referred to the Director of Personnel Management for the purpose of investigating the information or allegation. The Director of Personnel Management, with the aid, if needed, of the County Attorney's Office, will conduct a timely investigation of the information or allegation, which investigation must be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence. Should a conflict or potential conflict arise that would jeopardize the integrity of the investigation, the Director of Personnel Management may delegate the investigation to an outside source. Should the outside source need to be compensated, the budget amount will need to be approved by the County Council.

Every worker has a duty to cooperate with such an investigation. Failure to do so will result in disciplinary action against the uncooperative worker up to and including termination or severance of a contractual relationship. Additionally, every worker has the duty to be truthful and must disclose all relevant information known to the worker when requested to do so by any person designated by Cache County to investigate an alleged incident of violence. Any worker who fails to be completely truthful or who withholds information will be subject to disciplinary action up to and including termination or severance of a contractual relationship.

At the conclusion of an investigation described herein, the Director of Personnel Management will report his or her findings to the County Executive and the County Auditor. If the Director of Personnel Management concludes, by a preponderance of the evidence, that the worker has engaged in a workplace-related incident of sexual misconduct, domestic violence, or dating violence, then that worker will be subject to disciplinary action up to and including termination or severance of a contractual relationship. The worker might also be required to participate in counseling or other remedial measures.

A worker who is subject to an adjudication, as defined in this Subsection AA, must notify the Director of Personnel Management immediately regarding the existence of the adjudication. Failure to disclose the adjudication may result in disciplinary action, up to and including termination from employment or severance of a contractual relationship.

C. Responses to Workers Who Are Found to Have Used Violence

In the event that the Director of Personnel Management reports the worker engaged in a workplace-related incident of sexual misconduct, domestic violence, or dating violence, or the worker is found guilty or liable in a criminal or civil action arising from a threat or act of violence, as defined in this Subsection AA, the County Executive will review the report from the Director of Personnel Management. The County Executive must determine whether continued employment, a contractual relationship, or a volunteer relationship with the worker would undermine Cache County's ability to carry out federal Office on Violence Against Women ("OVW") grant-funded projects. If there is a conflict with the County Executive making a determination that would jeopardize the integrity of the investigation or the determination, the County Auditor must review the report and make the determination. If the County Executive or the County Auditor determines that a continued employment, contractual, or volunteer relationship with the worker would undermine Cache County's ability to carry out OVW grant-funded projects, the County Executive or County Auditor will advise the respective Elected Official or Department Head to remove the worker from any position that may undermine Cache



County's ability to carry out OVW grant-funded projects. The County is not obligated to move the worker to a different position or create a new position for the worker.

The determination made by the County Executive or Auditor must be submitted in writing to the respective Elected Official or Department Head, and a copy sent to the Council chairperson.

The County Executive or County Auditor may grant an exception and allow an employee, contractor, or volunteer who was previously found to have used violence by any jurisdiction or previous employer or contractee to occupy a position that could otherwise undermine the ability of Cache County to carry out the OVW funded project. An exception may only apply if the County Executive or County Auditor can establish to that the worker has met the following qualifications:

- No survivor of the violence used by the worker, nor any family member or friend of a survivor of violence used by the worker, will encounter the worker in any Cache County-controlled capacity;
- The worker evidences accountability, restoration, and rehabilitation, and
- The mission of the OVW grant-funded project would benefit from the worker's experience.

All terminations of an employment or contractual relationship with a worker pursuant to this provision, any finding of a violation under this policy that does not result in termination, as well as any exception granted pursuant to this provision (including the standards Cache County relied upon in granting an exception), must be reported to OVW by the County Executive or County Auditor through the Utah Office for Victims of Crime (“UOVC”).

6. Reporting by Workers Who Are Victims/Survivors

Workers who are surviving violence, and workers who are concerned about coworkers who might be victims, are encouraged to provide a report to Cache County. Cache County has designated the Director of Personnel Management or any supervisor as persons to whom such reports should be made. The Director of Personnel Management will provide community referrals and resources in order to assist workers with their experiences and concerns.

7. Reporting Violation of Policy

A person who wishes to report a violation of this policy should also contact the Director of Personnel Management Human Resources or any supervisor. Supervisors must pass reports of violations to the Director of Personnel Management as quickly as reasonably possible. Cache County prohibits retaliation against any person who makes a report under this policy or any person who participates in any manner permitted under this policy.

Section 2: This resolution shall go in effect immediately upon passage of the County Council.



RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS ___ DAY
OF _____ 2024.

	In Favor	Against	Abstained	Absent
Kathryn Beus				
David Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total				

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
David Benson, County Clerk / Auditor

Redline Version:

Section VIII.AA – Domestic Violence, Sexual Violence, and Stalking

2. Purpose

This policy is part of Cache County's commitment to a safe and supportive organizational climate and to the prevention and reduction of the occurrence and effects of workplace-related incidents of sexual misconduct, domestic violence, and dating violence (hereinafter "violence"). Violence can be workplace-related even if incidents occur elsewhere. Cache County recognizes that violence presents unique issues for its employees, volunteers, consultants, and contractors (hereinafter "workers").

The purposes and goals of this policy are to:

- Institutionalize ~~institutionalize~~ responsive policies and procedures to assist and support workers who are impacted by violence;
- Discipline ~~discipline~~ and hold accountable workers who use violence, which - in certain cases - may include such assistive and supportive measures as requiring counseling; and
- Assure ~~assure~~ that workers who use violence are prohibited from occupying positions that could undermine Cache County's ability to carry out federal Office on Violence Against Women grant-funded projects.

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5. Responses to Violence

B. Reporting by Workers with Information About Violence:

Workers who have information about or witness an act of violence perpetrated by another worker or who have information about or witness violence against a worker are encouraged to report this information to the Director of ~~Personnel Management~~Human Resources.

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The determination made by the County Executive or Auditor must be submitted in writing to the respective Elected Official or Department Head, and a copy sent to the Council chairperson.

The County Executive or County Auditor may grant an exception and allow an employee, contractor, or volunteer who was previously found to have used violence by any jurisdiction or previous employer or contractee to occupy a position that could otherwise undermine the ability of Cache County to carry out the OVW funded project, ~~so long as the~~ An exception may only apply if the County Executive or County Auditor can establish to that the worker has met the following qualifications:

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