

Authorized Personal Use of Public Property

Resources:

- [UCA 76-8-402](#), [76-8-404](#), [UCA 76-8-101\(5\)](#)
- [Courts Human Resources Code of Personal Conduct 500](#),
- [UC Title 67 Chapter 16 Utah Public Officers' and Employees' Ethics Act](#)
- [07-00.00 Purchasing Overview and General Information](#)
- [07-00.05 Purchasing Prohibitions](#)
- [12-05.01 Business Use of State Vehicles](#), [12-05.02 Commute Use of State Vehicles](#)
- [12-07.00 Business Use of Private Vehicles](#)

Purpose:

This policy provides public servants guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property.

This policy constitutes a “written policy of the public servant’s entity” for purposes of Utah Code section 76-8-402(1)(b)(iii).

Definitions:

“Courts” means the Utah Juvenile, District and Appellate Courts, Office of Guardian ad Litem and the Administrative Office of the Courts.

“Public servant” means a judge, an appointed official, employee, consultant, or independent contractor of the Courts, or a person hired or paid by the Courts to perform a government function. For purposes of this policy, “public servants” will be referred to as “employees”.

“Public property” means real or personal property that is owned, held, or managed by the Courts.

Policy:

Employees are responsible to protect and conserve government owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use public property, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by management (e.g., a supervisor, director, TCE, or executive management).

Employees do not have a right to nor should they have an expectation of privacy while using public property at any time, including when they are (1) accessing the internet, or (2) using email, instant messaging, or Court-issued/Court-reimbursed telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

Personal use of public property is authorized under Utah Code Section 76-8-402 and is further authorized under this policy. Authorized personal use of public property means the use of public property, for a personal matter, by a Court employee if all of the following are true:

1. The Court employee is authorized to use or possess the public property to fulfill the employee's duties of office or employment as a public servant;
2. The primary purpose of the Court employee's using or possessing the public property is to fulfill the employee's duties as a public servant;
3. At the time the Court employee uses the public property for a personal matter, a written policy of the Court is in effect that authorizes the employee to use or possess the public property for personal use in addition to the primary purpose of fulfilling the Court employee's duties as a public servant; and,
4. The employee uses and possesses the public property in a lawful manner and in accordance with the policies referred to in (3) above.

Authorized Personal Use – Using the thresholds above, Court employees are specifically authorized personal use of public property that includes, but is not limited to, the following:

- a. Products that prevent the spread of disease including but not limited to gloves, disinfecting wipes, masks, tissues and hand sanitizer. These items may be provided and used by court personnel and court patrons (such as witnesses, jurors, and other participants in the judicial process) throughout the court public and non-public areas, and
- b. The use of (1) kitchens and lunchrooms and the equipment, paper and plastic goods that may be provided, (2) fitness facilities and (3) nursing room facilities.

Court personnel are also authorized to make incidental or de minimis use of public property for a personal matter by a public servant, if both of the following are true:

1. The value provided to the Courts by the public servant's use or possession of

the public property for a public purpose substantially outweighs the personal benefit received by the employee from the incidental use of the public property for a personal matter; and

2. The incidental or de minimis use of the public property for a personal matter is not prohibited by law or by the Courts, including the limitations set forth in the Human Resources policy manual.

Using the thresholds above, Court personnel are specifically authorized de minimis or incidental personal use of public property including but not limited to the following:

- a. Answering or making personal non-international calls on Court desk or cell phones, utilizing leftover food from court catered events, answering personal emails or accessing websites on court PCs and making personal faxes, scans or non-color copies.

Notwithstanding the above, incidental personal use does not include any use that:

1. Interferes with the mission or operations of the Courts;
2. Interferes with the performance of the employee's or any other employee's official duties;
3. Compromises the integrity of public property; or
4. Is for private financial gain, including but not limited to conducting outside business, employment, or other income generating activities.

Reimbursing the State for Non-Incidental Personal Use of Telephone, Fax, Photocopy, Printed Page etc.

If the personal usage is not incidental or de minimis, the following policy applies:

Policy:

1. The employee is responsible for notifying management of their personal use of desk phone, fax, photocopier, printer etc. for reimbursement as outlined in policy number 5. State issued cell phones are included in this policy.
2. Court managers should periodically remind staff of their self-reporting responsibility regarding non-incidental personal use of public property. See also [court legal opinion 5/5/2010](#).
3. No international calls or faxes are permitted without written permission of the Court Executive or Division Director.
4. Funds paid to the State Courts under this policy are considered a refund of expenditure to the home Unit and are to be deposited in the appropriate expenditure account. The funds must be properly reported and deposited to the revenue bank account.
5. Costs:

- a. Domestic Long Distance calls—state DTS phone system and VOIP system \$.05 per minute
- b. Printing/black and white photocopy – \$.05 per page
- c. Printing/photocopy in **color** – \$.10 per page
- d. Fax—\$.25 per page whether local or long distance, incoming and outgoing faxes. This charge covers the cost for the call and eliminates the need for tracking and reimbursing the actual long distance cost.

**Responsible Action Appellate/District/Juvenile Courts
Employees**

Procedures:

1. Payment may be entered into CORIS/CARE (AIS), miscellaneous payments. Enter the employee's name as Payor.
2. Alternatively, a check can be submitted to the Administrative Office along with instruction as to the Unit, Object code the payment should be applied.
3. Reimbursement can be made immediately (fax and photocopy, printing) or tabulated and reimbursed monthly.

Once the employee makes payment, any form/log used is returned to the employee. See example “[Employee State Reimbursement Log](#).”

This policy does not modify the requirements of laws, rules, or policies regulating state employees’ use of public property.