

## 04-18. Authorized Personal Use of Public Property

Internal Policies and Procedures of the Utah State Board of Education	
<b>Policy</b>	04-18
<b>Subject</b>	Authorized Personal Use of Public Property
<b>Date</b>	April 1, 2022
<b>Policy Owner</b>	Director of Human Resources
<b>Policy Officer</b>	Deputy Superintendent of Operations
<b>References</b>	Utah Code section 76-8-101(5)

### I. Purpose and Scope

- This purpose of this policy is to provide 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. Criminal penalties for violation of Utah Code section 76-8-402 range from a class C misdemeanor to a second-degree 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 servants' public entity” for purposes of Utah Code section 76-8-402(1)(a)(iii). For purposes of this policy, “public servants” will be referred to as “employees.”
- This policy applies to all USBE employees.
- This policy relies on the following definitions:
  - *Public Servant*: A public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function.
  - *Public Property*: Real or personal property that is owned, held, or managed by a public entity.

### II. 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 government resources, and one should not be inferred.
- The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate DHRM manager or supervisor (e.g., a supervisor in the employee’s organizational chain of command).

### III. History

This policy was originally adopted on April 1, 2022.