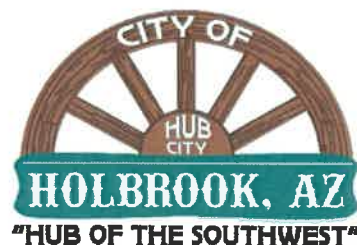




# City of Holbrook Personnel Policy

Adopted February 12, 2019

Effective by Ordinance March 13, 2019





# **Personnel Policy City of Holbrook**

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# **ARTICLE I - GENERAL PROVISIONS**

## **Section 101 - Purpose**

The general purpose of the City of Holbrook Personnel Policy is to establish a system of personnel administration to assist the City organization in its role of serving the citizens of Holbrook. This system provides the means to recruit, select, develop and maintain an effective and responsive workforce, and includes policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, leaving the City service, benefits, leaves, discipline and other related activities.

It is the desire of the Mayor and City Council of the City of Holbrook to attract qualified and competent persons as City employees. Appointments and promotions of City employees are to be based on factors of qualification, competence and suitability. While this Personnel Policy provides a basic guide to personnel-related activities of the City, it is recognized that administrative directives, departmental work rules and other policies and guidelines are instituted from time to time as necessary to supplement this document. The City Manager is the final authority on all matters relating to this policy. Since the rules governing the operation of the various departments of the City are formulated by the City Council, this policy shall become effective once adopted by the City Council. This policy shall supersede all prior policies and procedures of the City of Holbrook.

In the event of any conflict between this Manual and the City Charter, the City Charter shall control.

## **Section 102 - Classified and Unclassified Service**

Employees in the City service are divided into the classified and unclassified service. The classified service is composed of all employees and officers of the City of Holbrook except:

- A. City officers appointed by the City Council, namely the City Manager, City Magistrate and the City Attorney, who are appointed by the City Council and serve at the pleasure of the Council.
- B. Temporary employees.
- C. Department Managers and selected staff requiring Council approval in addition to being appointed by the City Manager, includes Finance Director, Treasurer, City Clerk. In addition, appointment or removal of a Department manager/head requires Council review.
- D. Attorneys hired by the City Attorney.
- E. Employees who are part-time, seasonal, probationary and temporary have limited

rights as described throughout these rules.

Unclassified employees specifically are at-will employees. Unclassified employees identified above serve at the pleasure of the City Council, those under D above serve at the pleasure of the City Attorney, those under B and C above serve at the pleasure of the City Manager. The Personnel Director and/or City Manager may develop and implement policies to provide a framework for conditions of employment, pay (based upon the classification plan only), benefit issues and so forth for those included in B and C above, but their employment will remain at-will pursuant to this policy.

Elected officials, members of appointed boards, commissions, committees and volunteer personnel are not considered to be employees of the City of Holbrook for the purposes of this policy.

### **Section 103 - Personnel Director**

The City Council shall appoint a Personnel Director for the City of Holbrook who shall be responsible for the administration of the personnel system of the City, and who shall:

- \* Administer the provisions of this Personnel Policy not specifically reserved to the City Council or City Manager, and make such administrative regulations as are deemed necessary to implement and carry out the personnel function of the City and this policy.
- \* Give notice of position openings within the City service.
- \* Authorize applicant testing as appropriate.
- \* Recommend to the City Council revisions and amendments to the Personnel Policy as deemed necessary.
- \* Recommend to the City Council a position classification plan, including class specifications, and recommend revisions to the plan as deemed necessary.
- \* Recommend to the City Council a compensation plan for all position classifications in the City service, and recommend revisions to the plan as deemed necessary.
- \* Allocate each position in the City service to its appropriate class in the classification plan and assign each class to an appropriate salary range in the salary plan.
- \* Develop and assist others in the development of training programs for City employees.

Please note that references to the "Personnel Director" as provided in this policy shall refer to the City's highest ranking Human Resources employee in the event that the Personnel Director position is unoccupied at any given time period.

### **Section 104 - Personnel Advisory Board**

A Personnel Advisory Board will be appointed by the Mayor and ratified by the City Council. The purpose of the Personnel Advisory Board is to hear appeals as provided in this Policy and to provide advisory determinations to the Personnel Director and/or the City Manager as

appropriate according to the grievance. The Advisory board shall consist of three persons not employed by the City and two employees of the City. The City Council shall further appoint three persons to serve as alternates upon the absence or inability of a member to serve, or any other conflict of interest. The City Council shall solicit the names of the two City employees from the City's Department Heads. The Board is tasked with selecting a Chair and selecting a hearing date based upon the appeal hearing procedures. All Board meetings are closed and confidential.

#### **Section 105 – Policies Not a Contract**

These policies and procedures are designed to assist City employees in understanding the employee practices and benefits in effect at the City of at the time of their adoption. Nothing in this Policy shall be considered as terms of an employment contract. The City reserves the right to amend, modify or rescind any or all of the provisions of this Policy in accordance to Ordinance as described in the City Charter.

#### **Section 106 – (intentionally blank)**

#### **Section 107 - Equal Employment**

The City agrees with the requirements and spirit of laws against discrimination. The City shall not unlawfully discriminate in the recruitment, selection, training, promotion, termination, or any other personnel action of any person on the basis of race, color, religion, sex, age, national origin, disability, or veteran status, or any other characteristic protected by law. No question in any test, or any application form or in any interview shall be posed so as to attempt to secure information concerning race, color, national origin, sex, age, disability or political or religious opinions or affiliations of any applicant. No appointment to or removal from any position in the City service shall be affected or influenced in any manner by any considerations of race, color, national origin, sex, age, religion, equal pay or disability. All applicants must be currently attending high school or have received their high school diploma or equivalency thereof (GED).

#### **Section 108 - Affirmative Action**

The Personnel Director may develop and implement an informational program designed to inform the general public and specific groups and organizations of the non-discriminatory policies and practices of the City of Holbrook.

#### **Section 109 - Positions Covered**

These rules shall cover all employees of the City unless otherwise exempted.

## **Section 110 - Severability Clause**

The provisions of this policy are declared to be severable, in other words, can be divided into legally independent provisions, and if any article, section, sentence, clause or phrase of this policy shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining articles, sections, sentences, clauses and phrases of this policy, but they shall remain in effect.

## **Section 111 – Definitions**

1. **Accrued time:** The amount of vacation time credit during City service.
2. **Assignment:** Duties as may be assigned by the supervisor.
3. **Classification date:** The date the employee is appointed to his present job class.
4. **Classified Plan or Classified Schedule:** The system and schedule which classifies all jobs in the City's service, based upon duties, responsibilities and qualifications of each job.
5. **Compensation Plan:** The official pay rates covering jobs in the City service adopted and amended by the City Council.
6. **Compensatory Time:** The time off with pay to compensate for hours worked in lieu of overtime pay. This pay is earned at time and half and used on an hour for hour basis.
7. **Contract employee or service:** A person or organization providing services to the City, which is compensated through a separate agreement. A contract employee shall be an independent contractor unless the separate agreement provides otherwise.
8. **Demotion:** The movement of an employee from one job classification to another job classification with a lower pay range, excluding job classes identified as assignments.
9. **Department manager level:** Personnel in positions reporting to the City Manager, includes the Finance Director, Fire Chief, Parks and Recreation Director, Library Director, Police Chief, Community Services Director, Sanitation Supervisor, Fleet Maintenance Supervisor, Water Supervisor, Waste Water Supervisor, Streets Supervisor, City Clerk, Economic Development Director, City Treasurer, Public Works Director, Director of Administration and City Engineer. These positions are entitled to all City benefits and serve at the pleasure of the City Manager. The compensation packages of those who hold positions of City Manager, City Attorney, City Engineer, City Magistrate, Police Chief and Fire Chief are outlined in their contracts and are not covered by this Personnel Policy in accordance with Section 4.07 of the Holbrook City Charter, however they are still required to meet the standards of conduct outlined in this policy.
10. **Employment date:** The most recent date on which an employee begins employment with the City of Holbrook.

- 11. Employment lists:** The list of persons who have successfully qualified for employment as determined by the various methods of evaluating qualifications. Employment lists include layoff lists and employment eligibility lists. Employment lists are tools which may be used in the hiring process, but are not required to be.
- 12. Family illness:** A serious health condition of a member of the employee's immediate family (spouse, child or parent).
- 13. Fireman:** Any person trained and legally authorized to engage in the prevention, control or extinguishment of fires or similar hazards on a volunteer basis.
- 14. Full-time employee:** One who is normally employed to work 40 hours per week or some other authorized full schedule, but normally not less than 30 hours per week.
- 15. Job Class:** All positions sufficiently similar in skill level, experience, duties, authority and responsibility to permit grouping under a common title, and apply common standards of selection, transfer, promotion and compensation.
- 16. Job description:** See position description.
- 17. Law enforcement employees:** Any person trained or undergoing training who has been employed and empowered by statute or local ordinance to maintain public peace and order, and who has the power to make arrests.
- 18. Layoff lists:** The lists of names of persons who were laid off from service and whose names were placed on said lists by the Personnel Director. These lists are valid for recall purposes for one year.
- 19. Leave:** Vacation, sick, holiday or other authorized paid absence.
- 20. Length of service:** Total months employed by the City of Holbrook.
- 21. Notice:** Publishing by posting at City Hall, the Police Department and the Library.
- 22. Part-time employee:** A person who holds a budgeted, part-time position less than full-time, which is included in the job classification system.
- 23. Pay range:** A minimum and a maximum rate of pay appropriate to a job or group of jobs.
- 24. Position description:** A description of specific employment, whether occupied or vacant, calling for the performance of certain duties and the carrying of certain responsibilities by an individual, either on a full-time, part-time or seasonal basis.
- 25. Probationary employee:** An employee serving a period of probation pursuant to Section 401 of this policy.
- 26. Probationary period:** A trial period during which management personnel may monitor the new employee especially closely to determine his/her ability, knowledge, interest, skill, and compatibility with the City's goals.
- 27. Promotion:** A movement from one job classification to another higher classification on the condition of achieving specific qualification requirements, skills, certification and so forth by a certain date. The date may be after the probationary period.



- 28. Provisional appointment:** An appointment of a person to a position in a job classification on the condition of achieving specific qualification requirements, skills, certification, etc., by a certain date. The date may be after the probationary period.
- 29. Regular employee:** An employee who holds a budgeted position which is included in the job classification system.
- 30. Seasonal employee:** A full-time or part-time position which is to be filled on a seasonal basis without the expectation of year round employment.
- 31. Shift trading:** A practice among municipal employees of voluntarily substituting for one another on scheduled tours of duty (or parts thereof) in order to be absent to attend to matters of a personal or emergency nature.
- 32. Special assignment:** Additional duties assigned to an employee on a temporary basis or the temporary assignment of a law enforcement employee to a position in another law enforcement agency for an indefinite time. An employee on special assignment loses no rights or benefits held in his regular position. See also "temporary assignment".
- 33. Supervisory and management personnel:** Regular employment which entails management responsibility.
- 34. Suspension:** A temporary separation of an employee from his position for disciplinary or investigatory reasons.
- 35. Temporary appointment:** The appointment of a City employee who possesses the minimum qualifications for a particular higher class and who is assigned to act in that capacity.
- 36. Temporary position:** A full-time or part-time position usually not intended to be filled for a period of more than three consecutive months.
- 37. Transfer:** The assignment of an employee from one position/job to another in the same pay grade.
- 38. Unpaid absence:** An absence other than one resulting from the use of vacation, sick leave, holidays, other authorized paid leaves of absence.
- 39. Volunteer personnel:** Persons who perform municipal services without compensation.
- 40. Work day:** The amount of hours an employee is regularly scheduled to work, that is, an employee who works 30 hours per week might have a six-hour work day.

## **ARTICLE II - EMPLOYEE RESPONSIBILITIES**

### **Section 200 - Residency Requirements**

Employees who are required to respond to work duties within a designated period of time shall comply with such policy and must be able to respond to the City within 10 minutes for emergencies. If any employee resides outside the City limits and is assigned a City Vehicle, the vehicle is not to be taken home, unless prior written approval has been granted by the City Manager.

### **Section 201 - Political Activity**

No person employed by the City shall orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any City employee.

No City employee shall make, solicit or receive any contribution to the campaign effort in any way of any candidate for Holbrook municipal elected office, or take any part in the political campaign of any such candidate, but may exercise any rights as a qualified elector, such as signing nomination papers of candidates and voting in municipal elections.

No candidate, elected official, appointed official or employee of the City shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either directly or indirectly, for any political campaign or personal gain. No elected official, appointed official or employee of the City shall use or attempt to use any political influence to secure or assist any other employee in securing employment or any employment benefit or advantage.

Any City employee desiring to run for county, state or federal office must take a leave of absence without pay upon filing for said office and if elected, shall resign from the City service. The foregoing shall not apply to school board elections or elections to serve on a precinct committee. Any employee desiring to run for a City elected office shall resign from the City service upon filing for such office.

These provisions are in no way intended to limit the rights of any other member of the employee's household.

### **Section 202 - Nepotism**

Appointment of relatives of City employees to regular positions in the City service shall be permitted, provided the relative shall not be employed in a position where one would be directly supervising the other, directly or in the same chain of command, or a conflict of interest might arise concerning a question of internal control. An employee may not be promoted or transferred into a position involving supervision by or of a relative.

For the purposes of this section, relative is defined to include:

Spouse	Aunt
Parent (in-law & step)	Uncle
Brother (in-law, half & step)	Niece
Sister (in-law, half & step)	Nephew
Child (in-law & step)	Grandchild
Cohabitant <sup>1</sup>	Grandparents (in-law)

Should a marriage or cohabitation between employees result in one having operational or supervisory control over the other, within 45 days one employee must resign or transfer in the City service (this option is only available if there is a current opening and the employee is qualified) so as to eliminate the situation. No provision of this rule shall exclude relatives of the City Council, or City appointed boards, commissions or committees, from entering the City service, provided no supervisory control of one over the other exists.

### **Section 203 - Gifts/Gratuities**

No employee shall solicit directly or indirectly any gratuity, tip or gift, regardless of value. No employee shall accept directly or indirectly any gratuity, tip, or gift, regardless of value, that is offered based on an understanding that a vote, official action or judgment of the employee would be influenced.

City employees may accept gratuities such as Christmas cookies without regard to value when they are offered and accepted on behalf of the City with the understanding that a vote, official action or judgment of the employee would not be influenced. Employees may accept admission to events, regardless of value, to which they are invited in their official representative capacity for the City. An employee may accept unsolicited gifts or gratuities of a value not more than \$50, which cannot reasonably be presumed to influence the vote, action or judgment of the employee, or be considered as part of a reward for action or inaction. Any accepted gift, tip or gratuity with a value of \$25 or more must be reported on the prescribed written reporting form and forwarded to the Personnel Director through the employee's department director within thirty (30) calendar days of receiving the gratuity, tip or gift.

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<sup>1</sup> As used herein, cohabitation refers to the state of living together and having a sexual relationship without being married.

No person or employee who seeks appointment or promotion with respect to any City position or appointive office shall directly or indirectly give, render or pay any money, service or other valuable item to any person for or in connection with a test, evaluation, appointment, proposed appointment, promotion or proposed promotion. Any person or employee so described above may automatically be disqualified for employment or dismissed from employment if the act involves a promotion.

#### **Section 204 - Conflict of Interest**

Employees are subject to the provisions of A.R.S. Section 38-501 through 38-511 regarding conflict of interest. These provisions set forth the Arizona Legislature's laws covering the subject of conflict of interest. These laws apply to all officials, officers and employees of the City. Arizona law requires public officers and employees to avoid conflicts of interest that might influence or affect their official conduct. The law requires an official, officer or employee (or relative of an official, officer or employee) who has a conflict of interest to disclose the interest and refrain from participating in the matter. The City Manager will assist any employee or official who has any questions regarding conflict of interest. At any time, an employee is responsible for notifying their supervisor of any potential of conflict of interest. It is the duty of the employee and/or supervisor, if there is any concern regarding the possible conflict of interest, to contact the City Manager who will engage the City Attorney if determined to be necessary.

While not exclusive, specific examples of conflict of interest are enumerated below for the guidance of employees.

##### **a. Interest in Appointments**

Employees should not canvass the Mayor or members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to a City job.

##### **b. Preferential Treatment to Individuals**

Granting any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen is prohibited.

##### **c. Disclosure of Confidential Information**

The City maintains confidential materials of various kinds (i.e., financial records, personnel data, administrative/legal opinions, software programs, and nonpublic records) designated as confidential by the City Manager or his/her designee.

All employees are expected to assume responsibility for safeguarding City records, equipment, property, and other materials. Access to certain material is based upon job classification and a need-to-know basis. Appropriate confidentiality will always be maintained.

d. Representing Private Interest before City Agencies or Courts

No person whose salary is paid in whole or in part by the City shall appear on behalf of private interests before any agency related to City activities. They shall not represent private, business, and/or financial interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.

e. Interest in Contract with the City

No employee of the City shall have any interest in any contract made by them in their official capacity or by any committee, board, or commission of which he is a member, agent, or employee.

f. Disclosure of Interest

An employee who has a financial or other private interest shall disclose conflict of interest in writing. The disclosure shall be kept on the records of the City or other appropriate authority, the nature and extent of such interest.

Any employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale, purchase, or service.

Any employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency by submitting that knowledge in writing to the City Manager and shall refrain from participating in any manner as an employee in such decision.

## **Section 205 - Outside Employment**

Outside employment (that is, employees working for others or for themselves during non-work time) is not prohibited, but is regulated by a few important rules. A City employee may not engage in outside employment in any way during working hours, while at City facilities, or while using City supplies, equipment, computers, materials or personnel. Outside employment must not cause a conflict of interest or deterioration in satisfactory performance of duties while in the City's employ.

Employees should recognize that any outside employment which might be considered to be joint employment under the provisions of the Fair Labor Standards Act will require close consideration and conformance with the requirements of that law.

Employees who have accepted outside employment are not eligible to receive compensation during an absence from work which is the result of an injury on the second job, except through vacation. Accommodation of any physical limitations which may arise from an injury occurring during outside employment shall be made in accordance with the requirements of the Americans with Disabilities Act to the extent it is applicable.

## **Section 206 – Employee Development**

### **Training**

The City is committed to supporting an environment in which regular full time employees are encouraged to participate in professional development. This support will come through two programs, training and development. Both programs require that the training and/or course work be job related. Any expenditure over \$1,000 must be approved by the City Council prior to registration. The City Council will receive periodic reports of employees enrolled in job-related classes.

1. The employee must have the approval of the City Manager and his/her department head before attending any training.
2. Eligible programs the employee may attend include attending seminars to obtain or sustain a professional license or certificate, training classes of short duration on specialized topics which are of interest to the employee in his/her current position or otherwise deemed appropriate by the City Manager and meetings of professional organizations.
3. Employees electing to participate are entitled to reimbursement of their direct cost of participation. Mileage and per diem (if the training is out of town) and related direct costs, including registration, may be reimbursed.
4. Employees shall receive additional compensation if they acquire overtime for participating in training when attendance is mandatory. The City will consider mandatory training hours as hours worked for the purpose of calculating overtime. Travel time to and from mandatory training is considered hours worked.

### **Tuition Reimbursement**

#### **A. Eligibility**

All employees who have fulfilled their probationary period requirements for their job are eligible for tuition reimbursement. Employees must be beyond the trial employment period at the beginning of the semester to qualify for tuition reimbursement. Employees hired after the beginning of the semester will not be reimbursed even if already enrolled in college courses.

Courses eligible for tuition reimbursement should be job related and part of an approved degree program. Doctorate level courses are not eligible for reimbursement. Programs must be submitted and approved by the employee's immediate supervisor, Human Resources and City Manager.

Eligible full-time employees shall be reimbursed for the following types of training or education:

1. Course work that is directly job related.
2. Course work that will develop the employee's skills within his/her career field.
3. Course work that is required for a college or university degree program that is job or career related.

Merited status, part-time employees may be eligible for tuition reimbursement, with the approval of the employee's Department Director and the City Manager.

#### B. Terms of Tuition Reimbursement

To receive reimbursement, the following requirements must be met:

1. Employee must have successfully completed his or her probationary employment period.
2. Employee must have received approval for the class or degree program on his/her application prior to the start of the class. An application by an employee to participate in the program shall not be construed to create any type of contractual obligation on the City's behalf.
3. Employee must qualify for the reimbursement of a college course by receiving a "PASS" or a grade of "C" or better for courses taken. Official grade reports and proof of payment must be submitted with the request for reimbursement. Audited classes do not qualify for reimbursement. Reimbursement requests must be submitted within 60 calendar days after the date of completion of the course.
4. Reimbursement is discretionary and may not be available in the event of budgetary limitations.

5. If the employee leaves the service of the City for any reason, the employee will be required to repay all (100%) of tuition reimbursement paid to the employee by the City within the preceding 12 months of the date of separation. The deduction will be made from the final check. Any remainder of the outstanding payment must be made to the City within 30 days from the time the employee leaves the service of the City. No tuition reimbursement is required after the 12-month period following course completion.

#### C. Costs

Unless specified within a cohort program with prior approval by the City Manager, costs for the tuition reimbursement program are on a reimbursement basis only. No pre-payment will be authorized.

Tuition reimbursement includes only the cost of tuition. Related fees including financial aid fees, administration fees, course materials, lab fees, and textbooks, parking fees, and graduation fees are the responsibility of the employee and are not reimbursable by the City. All tuition requests and reimbursements will be monitored by Human Resources.

#### D. Financial Implications

Employees who receive financial assistance for their education from grants, scholarships, or other sources must disclose the source on the request for tuition reimbursement. If employees are receiving funding other than student loans for their education from another source, the City will not provide reimbursement for that portion of the cost. The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source.

### **Section 207 - Weapons In The Workplace**

City employees shall not have in public view any handgun, firearm or other weapon, unless the employee is authorized to carry the weapon by the City Manager. This provision does not apply to sworn police personnel or other authorized individuals who carry weapons in the performance of their duties, or to pocketknives or similar kinds of knives. Employees of the City that are required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or be permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures, and all applicable State and Federal laws.

Pursuant to Arizona law, employees may have a firearm that is lawfully possessed stored in a locked vehicle so long as such firearm is not visible from outside of the vehicle.



## **Section 208 – Workplace Violence**

The City of Holbrook recognizes workplace violence is a growing problem that needs to be addressed by all employers. Therefore, acts or threats of physical violence involving employees, including intimidation, harassment and/or coercion, will not be tolerated in the workplace. Threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the employment conditions at the City of Holbrook, or to create a hostile, abusive or intimidating work environment for one or more City employees.

General examples of prohibited workplace violence include, but are not limited to, threats or acts of violence occurring on City property, threats or acts of violence not occurring on City property, but involving someone acting in the capacity of a representative of the City, and threats or acts of violence not occurring on City property involving a City employee if the threats or acts of violence affect the legitimate interests of the City of Holbrook.

Specific examples of prohibited conduct include, but are not limited to, hitting or shoving an individual; threatening to harm an individual or his/her family, friends, associates or their property; making harassing or threatening telephone calls, using letters or other forms of written or electronic communications to harass or threaten; intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City; or conducting harassing surveillance (also known as stalking).

The City shall take prompt remedial action up to and including immediate termination against any employee who engages in conduct prohibited by this policy.

This policy against violence shall apply to the public, former employees or visitors to the City's facilities who engage in workplace violence prohibited by this policy. The City's response to such conduct may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.

City employees are encouraged to report incidents of threats or acts of physical violence of which they are aware, or other suspicious workplace activity to their immediate supervisor. In situations where reporting to the immediate supervisor is not appropriate, the employee should report such incidents to his/her department supervisor and/or City Manager. If the above individuals are accused of a violation then the employee may report a violation to the, City Manager, Personnel Director or City Clerk. The City does not permit any form of retaliation against an employee for making a report under this policy.

### **Section 209 – Professional Attire/Appearance**

The professional image of our organization is maintained, in part, by the image that our employees present to our citizens, vendors and other visitors. All employees should practice common sense rules for neatness, good taste and comfort. Specific rules about grooming and/or dress may be adopted by departments, divisions or work groups due to the nature of the work of the employees in those units.

### **Section 210 – Forms**

The forms and/or job titles provided herein may be updated without the entire policy being revisited by Council.

### **Section 211 – Loyalty Oath**

Every City employee shall take the oath or affirmation as prescribed by state law.

## **ARTICLE III - RECRUITMENT AND SELECTION**

### **Section 301 – Non-Discrimination**

The City follows the requirements and spirit of the laws against discrimination, and shall not discriminate in the recruitment, promotions, termination or any other personnel action of any person on the basis of race, color, sex, place of national origin, age, veteran status, political or religious affiliation, or disability status, or any other area protected by law.

### **Section 302 - Notice Regarding Constructive Discharge**

An employee is encouraged to inform the City whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under Section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Any notices regarding working conditions or notices regarding any violations of the law should be reported directly to the City Manager. An employee is encouraged to report any violations of the law by City staff or personnel directly to the City Manager or department director. If the above individuals are accused of a violation, then the employee shall report a violation to the City Manager, Personnel Director or the City Clerk.

### **Section 303 - Recruitment**

Recruitment announcements (other than in house opening) shall be posted at City Hall and the Library for a minimum of five working days. If appropriate, announcements may be made through publication. In addition, in order to attract diverse, qualified applicants, particularly in regard to exempt position and/or higher level positions, information on position vacancies may be sent to various recruitment sources, appropriate publications, internet sites, and the Department of Economic Security job banks. The Personnel Director shall coordinate all recruitment efforts. When a position in the City service becomes vacant, prior to recruitment efforts the supervisor of the department involved and the Personnel Director shall meet to review the vacant position in regard to recruitment timing, duties and responsibilities, and other pertinent factors. Qualified in-house candidates will be given preference.

### **Section 304 - Application**

All applicants for City employment must apply on forms provided by the Personnel Director. Applicants must provide honest and complete information on all items, both in the City application form and in any accompanying information such as a resume. Failure to complete the employment application form as directed may result in disqualification or dismissal from the City service. Any application may be rejected if:

- \* The applicant appears not to possess the qualifying experience or training required for the position.
- \* The applicant has made any misstatement of any material fact.
- \* The applicant has practiced any deception or fraud in his/her application.
- \* The applicant has been convicted of a crime involving moral turpitude, or has been convicted of a crime that is related to the duties and responsibilities of the desired position. (For example, an applicant has applied for a position as Accounting Clerk, but was convicted of embezzlement.)

Application forms, when submitted, become the property of the City along with any documentation attached by the applicant. Completed application forms will normally be retained by the City for six months.

All hiring and promotional decisions are within the discretion of the City.

### **Section 305 - Examinations**

Examinations shall consist of selection techniques which will assist the City, in its sole discretion, in assessing the qualifications of the candidates and include, but are not limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical and psychological tests, electronic truth measuring tests, or any combination of these or other tests.

Appointments to the City service shall be subject to satisfactory medical, drug and physical examination for positions which include driving as a significant duty, verification of an appropriate driver's license and satisfactory driving record.

In case of vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert nature, or in other unusual circumstances, and upon satisfactory evidence that competition is impractical and that the position can be best filled by the selection of some designated person of recognized attainments, the Personnel Director may suspend competition.

### **Section 306 - Promotional Opportunities**

Promotional opportunities shall be made known to City employees through the distribution of position announcements and/or other appropriate means. Qualified City employees may submit a letter of interest for consideration of promotional opportunities. Only City employees who have

completed the initial probationary period may be considered for promotion or transfer. Determinations regarding promotions are within the discretion of the City.

## **ARTICLE IV - PROBATION**

### **Section 401 - Period of Initial Probation**

Every employee shall work satisfactorily for a period of probation in order to satisfy the requirements for employment in the City service. The period of probation normally shall consist of six months of work, except in the case of police officers, firefighters and public safety dispatchers, who shall serve an initial probationary period of 12 months. The probationary period may be extended for one 90-day period at the request of the department supervisor and upon approval of the Personnel Director.

Time taken on sick leave, approved leave without pay or leave as a result of a worker's compensation claim not in excess of 30 calendar days shall be included as creditable time to the probationary employee.

### **Section 402 - Appointment Following Probationary Period**

Prior to the end of the probationary period, the department supervisor shall submit to the Personnel Director a performance review of the probationary employee. A satisfactory performance review and affirmative recommendation by the department supervisor, with approval of the Personnel Director, are necessary to confirm a probationer to regular status with the City.

### **Section 403 - Rejection of Probationer**

During the initial probationary period, an employee may be dismissed at any time without notice, without cause and without the right of appeal.

### **Section 404 - Promotion/Transfer Probationary Period**

When an employee is promoted or transferred, that employee shall serve a probationary period in the new position of six months. Prior to the end of the six-month period, the department head shall submit to the Personnel Director a performance review of the promoted/transferred employee. An employee who has been promoted or transferred, and is given an unsatisfactory evaluation at the end of the promotion/transfer probationary period, shall be entitled to return to his/her former position or another similar position. Employee's returned to their former position and class under the provisions of this paragraph shall not have grievance rights as to this action.

Promoted employees who during the required probationary period are dismissed for cause (other than unsatisfactory performance or inability to perform) shall not have the right to return to their former position or class.

#### **Section 405 - Special Review Period**

An employee may be placed in a special review period at any time when the performance of the employee falls below acceptable levels. The normal term of a special review period shall be 60 days; a written evaluation and/or report is to be done at the end of this period to document the results of the special review period. Should the problems with an employee's performance not be corrected during this period, other action may be taken as provided in these rules.

## **ARTICLE V - PERFORMANCE EVALUATIONS**

#### **Section 501 - Purpose**

The purpose of the performance evaluation system is to formally evaluate the performance of employees.

#### **Section 502 - Administration**

The Personnel Director shall administer the performance evaluation system. Performance reviews shall normally be conducted:

- \* Just prior to the end of the initial probationary period.
- \* Just prior to the end of a promotional/transfer probationary period.
- \* Annually, with forms distributed no later than fourth Tuesday in December to Department Directors/Supervisors. *No later* than the second Tuesday in February, performance reviews must be formally discussed with the employee and both executed forms are returned to Human Resources.
- \* Whenever the Department Supervisor or Personnel Director so requires.

#### **Section 503 - Rating and Reviewing**

The performance reviews shall be documented on forms developed by the Personnel Director. The rating authority shall be that person who directly supervises the work of the employee being rated. The reviewing authority shall be the department supervisor. Each employee will review the rating with his/her supervisor. The Personnel Director may investigate the accuracy of ratings.

# **ARTICLE VI - CLASSIFICATION, COMPENSATION AND BENEFITS**

## **Section 601 - Position Classification Plan**

The Personnel Director or other designated person shall determine and record the duties and responsibilities of all positions in the classified service, and, after consultation with the supervisors of departments affected, shall develop a classification plan for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and the same schedules of compensation may be made to apply fairly under similar working conditions to all positions in the same class. The plan shall be amended from time to time as the duties, responsibilities and employment conditions change. The Personnel Director should review the Plan at least every five years.

## **Section 602 - Class Specifications**

The Personnel Director shall maintain copies of current specifications for all classifications in the classification plan. When a new classification is created, or when a current classification is determined to be obsolete, the classification plan shall be amended accordingly.

## **Section 603 - Reclassifications**

When the scope of the duties and responsibilities of a position have changed materially so as to necessitate reclassification, such position shall be analyzed by the Personnel Director and recommendations submitted to the City Council to reclassify the position to a more appropriate class (if justified), whether new or existing. An employee may initiate a classification review through the department supervisor.

## **Section 604 - Compensation Plan**

The Personnel Director or other designated person shall prepare a pay plan covering all positions in the classified service. In arriving at salary rates or ranges, consideration shall be given to the prevailing rate of pay and working conditions for comparable work, to suggestions of a department supervisor, to the City's financial condition and policies, and to all other relevant factors.

## **Section 605 - Salary Ranges**

Each classification shall be assigned to a salary range that through the application of other provisions of this policy is deemed appropriate. Each employee may be advanced through the salary range on the basis of performance until the maximum step in the pay range is reached. Advancement through the salary range shall be subject to recommendation by the employee's department supervisor through the formal performance evaluation system and approval of the City Manager and City Council.

### **Section 606 - Performance Increases**

City employees shall be eligible for consideration for performance or pay increases as follows:

- \* Salary adjustments within the pay range for all personnel, excluding the positions of City Manager, City Attorney and City Magistrate, shall be in amounts and at intervals as determined by the Compensation Plan. The City Manager will be required to approve proposed changes before they become effective.
- \* No salary increase or decrease shall be made so as to exceed any maximum rate established in the Compensation Plan for the class to which the employee's position is assigned. The effective date of salary adjustments shall be the first day of the bi-weekly pay period following the classification date, except when the classification date falls on the first day of a pay period, in which case the rate shall be effective on that date.
- \* At other times as may be approved by the City Council.
- \* Under unusual circumstances and upon the recommendation of the department supervisor, an employee may be granted a special merit increase by the City Manager in recognition of outstanding, exceptional and meritorious service, only if the appropriate funds have been budgeted.
- \* With the exception of the performance evaluation at the end of the probationary period, annual performance evaluations will be completed between the fourth Tuesday in December and second Tuesday in February each year, beginning January 2009.

Performance increases are within the discretion of the City and are subject to budgetary limitations.

### **Section 607 - Range Adjustments**

When it is determined that the salary range assigned to a particular classification is no longer appropriate due to changes in market conditions, or duties and responsibilities of the classification, the Personnel Director shall be notified of such changes and conduct a review of the range assigned to the particular classification. If it is determined that the salary range assigned to the classification is either too high or too low, the City Manager shall make a recommendation for change to the City Council and, if approved, the classification shall be moved to the recommended pay range. Affected employees shall be moved to a step in the new



pay range as determined by the City Manager in his or her discretion, subject to City Council approval.

### **Section 608 - Temporary Assignments**

Upon the recommendation of the department supervisor and approval of the City Manager or his designee, an employee may be assigned on a temporary basis to a position in a classification of a higher pay range, either in the employee's department or another department. For such temporary assignments which are intended to be more than four weeks in duration, the employee may be compensated at a higher rate of pay during the assignment by adding five percent of the classification pay for the additional assignment. The City Manager or department supervisor may assign an employee to work in his/her classification in a different department on a temporary basis as deemed necessary.

### **Section 609 - Overtime Policy**

Overtime is defined as time worked in excess of the normally designated work period by non-exempt City employees. It is the policy of the City of Holbrook to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, or seasonal or peak workload requirements, and supervisory personnel are responsible for the advance planning required to minimize the need for overtime. Necessary overtime shall be authorized by the appropriate supervisor prior to being worked. Compensation for overtime worked, whether through cash payment or the use of compensatory time off in lieu of cash payment, shall be made in accordance with the Federal Fair Labor Standards Act. Overtime shall be calculated to the nearest one-quarter hour of time worked. Refusal of an employee to work overtime when requested without good cause may be cause for disciplinary action. Only time worked in excess of 40 hours in a workweek shall be considered as overtime. Overtime shall commence at the time an employee reaches a place where the employee is directed to report, and shall continue until released or the work is completed. Holidays, vacation, sick and special leave time are not treated as hours worked in calculating overtime. Hours which cause an employee to be paid overtime must be hours spent actually performing work.

#### **Compensatory Time**

The City generally pays overtime compensation for all City employees required to work overtime hours. The City Manager or his/her designees may at their discretion, however, decide to grant compensatory time (subject to maximum FLSA special rules for police, fire fighters, emergency response personnel and employees engaged in seasonal activities, and other public sector employees) to employees who work overtime at the rate of not less than one and one-half hours for each overtime hour worked provided there is a clear understanding between the

supervisor and the employee that compensatory time is being granted instead of paid overtime prior to the overtime being worked. In certain situations, the City Manager may determine that all overtime worked by a specific employee or class of employees, or a specific type of overtime worked, will be compensated with compensatory time off instead of with paid overtime. In these cases, a Memorandum of Understanding and Acceptance (MOU) noting this circumstance shall be drafted and shall be signed by the City Manager or department supervisor and the employee indicating agreement to this arrangement, and all overtime worked by such employee, or in such specific type of situation, shall be compensated with compensatory time. Acceptance of this compensatory time policy will be a condition of continued employment for employees executing the MOU. Newly hired employees shall be informed of this policy and will be required to execute a Memorandum of Understanding and Acceptance. Failure to do so will be grounds of non-hire.

Overtime provisions shall not apply to Council appointed officers, department supervisors or certain other positions designated by the job classification. Compensatory time must be taken within the following two pay periods after it is earned.

### **Deductions from a Salaried Exempt Employee's Salary**

Deductions from salary may be made given one of the following circumstances:

- \* The City may deduct salary in full-day increments for full-day absences for personal reasons, other than sickness and disability.
- \* The City may deduct salary in full-day increments from exempt employees who are absent for a complete day or days, and who have not earned leave.
- \* The City may deduct salary in full-day increments for disciplinary violations of written workplace conduct rules imposed in good faith.
- \* For an exempt employee on leave covered by Family and Medical Leave policy, the City may adjust the salary for pay periods in which the employee works intermittently based on hours worked
- \* The City may deduct salary to offset payment amounts for jury duty, witness fees and military pay.
- \* Unpaid leave taken pursuant to the Family and Medical Leave Act.
- \* The City may prorate an exempt employee's salary to correspond to the days actually worked in the first and last week on the job.

### **Reporting Improper Deductions**

The City prohibits improper pay deductions from the salaries of its exempt employees. Exempt employees regularly receive their salary for each pay period, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to

exceptions established by law (as referenced above) exempt employees of the City shall receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked.

If an exempt employee believes that he or she has suffered an improper deduction from pay, the employee should describe the situation in writing and submit the written complaint to the Personnel Director. The City shall review the complaint and shall reimburse the employee for any improper deductions.

### **Section 610 - Call-Back Policy**

The call-back procedure is established to provide for emergency situations where it is determined that additional assistance is required, resulting in an employee being called into duty outside of his/her normal working hours.

If an employee is called out to work as noted above, the employee will automatically receive credit for 1 and ½ hours worked regardless of the duration of the call out. **CALL OUTS LASTING 1 ½ HOURS OR LONGER ACCUMULATE COMP HOURS AT 1 ½ TIMES. ANY COMPENSATION HOURS OVER 10 PER PAY PERIOD ARE PAID THROUGH PAYROLL CHECK.** This provision does not apply to scheduled overtime, holidays worked or overtime worked in connection with regular work hours. Refusal of an employee to respond to a call-out without good cause may be cause for disciplinary action. Employee(s) have the flexibility to engage in regular legal activities, except alcoholic beverage consumption, during on call time.

### **Section 611 - Clothing Allowances, Uniforms and Expense Reimbursement**

Clothing allowances and uniform privileges shall be approved by the City Council. The City Council shall have the authority to establish administrative regulations providing for the reimbursement to employees of necessary expenses incurred while engaged in City business, including approved travel and conference expenses, as well as automobile allowances.

### **Section 612 – Volunteer Service**

Employees who belong to volunteer emergency services, such as Search and Rescue, Red Cross, etc., are subject to emergency call out. Emergency call out for such volunteer services shall not be charged against the employee's leave when absent from the City service. Such absence shall not exceed 24 working hours (three calendar days) per year. Employees shall receive their standard rate of pay for such an emergency absence. In an effort to maintain the quality of service, employee volunteers who are called out of town shall be limited to two out of town paid call outs per year. Employees must have advised their supervisor of their membership in addition

to notifying their supervisor prior to leaving on an out of town call. An employee serving as a volunteer shall not be eligible for overtime within that pay period.

In the event any employee who is a volunteer for the Holbrook Volunteer Fire Department, and is responding to an emergency for any length of time, on behalf of the Holbrook Volunteer Fire Department will receive their regular salary. An employee serving as a volunteer shall not be eligible for overtime within that pay period. The time limits described here may be extended by approval of the City Manager.

### **Section 613 - Other Benefits**

City employees shall receive additional benefits as approved by the City Council, or as might be mandated by law, such as health insurance, worker's compensation coverage and retirement benefits.

## **ARTICLE VII - PROMOTION, TRANSFER AND DEMOTION**

### **Section 701 - Promotion**

Insofar as consistent with the best interest of the City, vacancies in the City service shall be filled by promotion from within after consideration is given to all interested, qualified employees. Promotional opportunities are open to employees who have completed the initial probationary period and who meet the additional job requirements. Upon promotion, the employee shall be moved to the salary range assigned to the new position as approved by the City Manager.

### **Section 702 - Transfer**

With the approval of the City Manager an employee may be transferred from a position in one department to a position with the same salary range in another department, provided, however, that the employee has completed the initial probationary period.

### **Section 703 - Demotion**

A demotion may either be voluntary or involuntary, as approved by the City Manager. A demotion occurs when an employee is moved to a classification assigned to a lower salary range than that currently held by the employee. In the case of a demotion, the employee's annual performance evaluation date normally does not change.

## **ARTICLE VIII - LEAVE**

### **Section 801 – Holidays**

The following days have been established as paid holidays for City employees:

New Year's Day	Columbus Day
M.L. King Jr. Birthday	Veterans Day
President's Day	Thanksgiving Day & Friday After
Memorial Day	Christmas Day
Independence Day	Other days as may be set by the City Council
Labor Day	
Personal Day	

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed, except for employees working 24-hour

shifts (if applicable), for whom the Independence Day holiday shall be observed on July 4 of each year and the Christmas Day holiday shall be observed on December 25 of each year. Full time employees are paid 8 hours per holiday. Part-time are paid 4 hours per holiday.

Employees, except members of the police department, which is staffed on a 24-hour basis, shall not be required to be on duty on holidays unless the employee's service is needed and required in the interest of public health, safety or general welfare. Should a holiday fall on an employee's regularly scheduled day off, every effort should be made to give the employee a regular work day off to compensate. Where that is not possible or practical, employees may be paid holiday pay. It is the policy of the City to pay employees who are scheduled to work on a holiday straight time (eight hours) holiday pay, plus time and one half for hours actually worked on the holiday. In the event an employee is on paid leave when a holiday occurs, he shall receive no additional pay and he shall not be charged with leave time. An employee who is on unpaid leave at the time of a holiday shall not receive holiday pay.

#### **Section 802 – Vacation**

Vacation leave is provided to regular employees of the City on the following accrual schedule: No vacation leave will accrue when on leave without pay. Paid vacation shall accrue at the following rates for continuous service based upon a bi-weekly payroll.

Years of Service	Vacation Hours	Maximum Accrual Limits
0-1 <sup>st</sup> Anniversary	Up to 80	40
1-6 (3.08 per pay period)	80	160
7-12 (4.62 hours per pay period)	120	240
13 or more (6.15 hours per pay period)	160	320

**Upon completion of the initial six-month probationary period (or twelve months of service in the case of public safety employees serving a one-year probationary period), vacation leave may be taken subject to available accrued leave.** Employees who work less than 1,040 hours per year shall not accrue vacation time. Employees who work less than full time but more than 1,040 hours per year shall accrue vacation time at the rate of 1.54 hours per pay period to the same maximums as stated above and shall be required to use at least one half of their annual accrual as stated herein.

Accrued vacation leave may be carried over from year to year, subject to an accrual limitation set forth herein. Employees are required to use at least one half of their annual accrual each year. In the event an employee fails to use his vacation leave balance as provided herein, vacation

accrual beyond the limits established in this section shall be prohibited, and no other accrual will be allowed. The Personnel Director may extend accrual limits for the convenience of the City when vacation leave is not permitted. An employee may not accrue vacation leave in excess of the amount that could be earned in a 24 month period.

Employees who have satisfactorily completed the initial probationary period and who terminate employment shall be paid for all accrued vacation leave. Vacation leave shall be scheduled by the department with due regard to the requirements for service delivery and the employee's wishes. Requests for vacation leave shall be made in writing by the employee far enough in advance to allow planning for the absence. Separation from employment before the completion of six (6) months services shall void vacation credits.

In the event of the death of the employee, the beneficiary designated by the employee to receive state retirement or public safety retirement benefits shall be paid one-half of the eligible vacation hours times the previous five years average hourly rate.

### **Section 803 – Sick leave**

An Arizona law known as the Fair Wages and Healthy Families Act (the "Statute" or "Paid Sick Leave") requires that employees shall accrue a minimum of one hour of earned paid sick time for every 30 hours worked, up to a maximum of 40 hours annually. The City provides that every regular full time employee shall be credited with eight (8) hours of sick time per month. Employees who work less than full time but more than 1040 hours shall be credited with four (4) hours per month of sick time.

A. Although earned paid sick time may be used as soon as it accrues, new employees hired on or after July 1, 2017 must wait 90 days before using paid sick time.

B. Employees may use earned paid sick time for themselves or for care of family members. This includes:

i. Medical care or mental or physical illness, injury, or health condition;

ii. A public health emergency; (see Arizona Revised Statutes § 23-373 for more information about what qualifies as a public health emergency); and

iii. Absence due to domestic violence, sexual violence, abuse, or stalking.

C. Unused sick time accrues from year to year but cannot exceed a cap of 80 hours.

D. Employees will not be paid for any accrued but unused sick time at separation from the employer.

E. When foreseeable, an employee must make a good faith effort to provide the City notice of the need to use earned paid sick time in advance and should schedule the leave in a manner that does not unduly disrupt the employer's operation.

F. Paid sick time can be used in 15 minute increments for hourly employees and one hour increments for salaried individuals.

G. Where earned paid sick time is used on three or more consecutive work days, the City may require documentation that the earned paid sick time was used for purposes permitted by Arizona's earned paid sick time law.

H. If an employee is separated from employment but is reinstated within nine months of separation from the same job, any previously-accrued earned paid sick time that was not used will be reinstated and the employee is entitled to use and accrue earned paid sick time immediately at the re-commencement of employment.

I. If illness or injury prevents an employee from reporting for work, he/she must inform their immediate supervisor of their absence at least one hour prior to the start of their shift. Individual departmental policies may require earlier notification of supervisor.

J. A minor illness or injury to an employee may result in a temporary sick leave of up to three (3) days to be granted by the supervisor. No certified medical form is required, but the City of Holbrook reserves the right to obtain such a document at any time. In addition, the City of Holbrook may request further review of the employee by a City designated physician.

K. Sick absences of more than three (3) consecutive work days require documentation from a healthcare professional.

L. When on sick leave, employees must be at home, or at a healthcare facility. Failure to comply with these requirements will result in severe disciplinary action that may include termination. No employee on sick leave will be permitted to perform any off-duty employment.

Excessive absenteeism above and beyond the sick leave permitted herein (including FMLA), or misuse of sick time, will be handled through the normal disciplinary action program. Specifically, an employee will receive:

- Admonishment after two (2) occasions in 12 months
- Reprimand in the form of a written warning after four (4) occasions in 12 months

Consequences may include any of the following disciplinary actions:

- Employee is not eligible for any salary increase at their next merit increase cycle
- Employee is not eligible for tuition reimbursement for up to six (6) months following the issuance of the reprimand
- An unpaid suspension
- Termination

As with all disciplinary action, the notice will become a part of the employee's permanent personnel file.

This policy shall NOT restrict an employee from the available unpaid time off as allowed by the Family and Medical Leave Act ("FMLA"). Any time off during an approved FMLA absence will



not be assessed any occasions or subject to discipline. The City shall provide leave in accordance with the FMLA. For more specific information, see the Personnel Director.

#### **Section 804 - Maternity Leave**

Pregnant employees shall be treated the same as employees who have a temporary disability. Maternity leave shall be given under the same provisions as leave, except as follows:

- \* The use of paid leave shall be only to the extent the employee has leave earned.
- \* The employee shall be responsible for providing any doctor's statements as may be required by the City to determine the commencement and termination period of physical disability.
- \* An employee who has indicated she does not intend to return to duty after delivery shall be granted the use of any leave to her credit during the period outlined above, as supported by physician's statement. She shall submit her resignation at the time she begins her maternity leave; when she has used all leave time available, she will be separated from the City service and that date will become the resignation date.
- \* When there is any question about the physical ability of a pregnant employee to perform her job without hazard to her health or that of the unborn child, the supervisor shall request that a City-appointed medical authority and/or the Personnel Director discuss the employee's case with her physician. Based on that consultation, the period of actual disability will be established.
- \* All medical statements are subject to review by a City-appointed medical authority.

#### **Section 805 - Leave In Relation To Worker's Compensation**

Employees are insured by the City under the provisions of the Arizona Worker's Compensation statutes against on-the-job injuries and illnesses. It is mandatory that every job-related injury or illness, regardless of severity, be reported immediately to the supervisor.

The City complies with the applicable law concerning workers compensation. A general non-binding statement regarding workers compensation law follows. Generally under worker's compensation law, medical expenses are paid for a covered injury or illness. Compensation is paid for lost-time injury or illness if disability extends beyond a seven-day period. If the absence extends beyond 13 days, compensation is made retroactive to the date of injury or illness. When an employee misses work time due to a covered injury or illness, the employee will continue to receive his/her full compensation from the City for up to 13 days without being charged any leave time for the absence. Should the absence be for 14 days or more, the employee may elect to use accumulated leave in order to maintain his/her regular income for up to 90 additional (calendar) days. The appropriate department director, Personnel Director will review each case on an individual basis and determine if the circumstances of an individual claim justify extension of that time. The Personnel Director, at his/her sole discretion, may approve additional

extensions based on all factors deemed appropriate to consider, including the likelihood of the employee returning to duty. All employees receiving full compensation in lieu of temporary disability payments under worker's compensation coverage shall remit any funds received under worker's compensation to the City. An employee receiving worker's compensation disability payments and not supplementing his/her income with leave shall not accrue leave or receive pay for holidays for any pay period he/she does not actually perform his/her duties.

### **Section 806 - Physician's Release**

A certification from a licensed physician or practitioner allowing an individual to return to work may be required in the event there is an appearance of illness or injury to establish that an employee is fit to perform his/her duties.

### **Section 807 - Military Leave**

- I. It is the policy of the City of Holbrook and an obligation under the Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 U.S.C. §§ 4301 – 4335, to provide employees who are members of the uniformed services leaves of absences from duties without loss of time, pay, vacation or other employment rights as provided by state statutes. The City complies with all applicable laws concerning military leave. Below are statements concerning general rules concerning military leaves. However, the requirements for and benefits of available military leave may be subject to change as the applicable law changes. This policy and procedure is intended to summarize the material terms of available Military Leave and not to create an independent policy in addition to what is available by law. Any conflict between this policy and procedure and the applicable law is inadvertent and the terms of the applicable law shall govern.

#### **II. ELIGIBILITY**

A. The performance of the following military duties on an involuntary or voluntary basis constitutes service in the uniformed services and gives rise to the City's obligation to provide a leave of absence under USERRA:

- \* Active duty
- \* Active duty for training
- \* Initial active duty for training
- \* Inactive duty for training
- \* Full-time National Guard Duty
- \* Absence from work for an examination to determine an individual's fitness for any of the above types of duty

Uniformed services include:

- \* The Army, Navy, Air Force, Marine Corps, or Coast Guard;
- \* The reserve units of the Army, Navy, Air Force, Marine Corps, or Coast Guard;
- \* The Army National Guard and Air National Guard;
- \* The Commissioned Corps of the Public Health Service;
- \* Presidential Call up; or
- \* Any other categories designated by the president in time of war or emergency.

B. Under USERRA, the cumulative length of an individual's absence from employment may not exceed five years.

### III. **PROCEDURES**

A. Employees must provide advance written or verbal notice of their military service obligations to the Department Director except when precluded by military necessity. Copies of the employee's military orders, training notices or induction information will be considered acceptable forms of notice.

B. Department Director must notify Human Resources of employees' obligations of military services.

### IV. **COMPENSATIONS & BENEFITS**

#### *A. Salary*

Military leave with 100% pay is available for up to 30 days in any 2 consecutive calendar years.

#### *National Guard/Reservists*

Based on each member's military Leave and Earnings Statement (LES), the city will pay the difference, if any, between the employee's base pay and the military total compensation (including housing, food, special assignment pay, etc.) *Supplemental pay will be on a reimbursement basis only, and will not exceed 180 days.* Employees may elect to use accrued vacation leave or choose general leave without pay for leaves which extend beyond this period.

#### *B. Medical, Dental and Vision Insurance*

Employees and their dependents will be covered for medical, dental and vision at the current rates while on a paid status from the City. The employee may elect to self-pay medical, dental and vision insurance while on unpaid leave for a period of up to

18 months from the onset of military leave (pursuant to COBRA guidelines.)

*C. Basic Life Insurance*

Basic live insurance coverage will cease for any employee that is called to full-time, military service of armed forces of any country. If employee returns to city employment within 90 days of release from military service, basic life insurance coverage can be resumed with no waiting period.

*D. Voluntary Life Insurance*

Employees are eligible to continue payment of voluntary life insurance premiums while on an unpaid status.

*E. Retirement Contributions*

Upon the employee's return to City employment after military leave, the City will pay the employee and City cost into the Arizona State Retirement System and Public Safety Personnel Retirement System that would otherwise have been made if the employee had not been absent because of military leave. This time will count as credited service.

*F. Vacation and Sick Leave Accruals*

Employees will **not** continue to accrue vacation and sick leave while on leave status from City.

*G. Long Term Disability*

The City will continue to contribute to Long Term Disability benefits on the employee's behalf during the military leave of absence. Long term disability benefits are not payable for disabilities resulting from war.

*H. Pay-back Clause*

These benefits are intended to be received by each eligible employee on a voluntary basis. If they choose to participate, they will be subject to a pay-back clause based on a pro-rata system, **if the military employee leaves the City's employ prior to a two (2) year timeframe after completion of their military service. The pay-back clause will be suspended only for those members that are forced into full time active duty after their two-year reserve requirement has been completed.**

V. **SENIORITY**

Employees will retain and continue to accrue rights and benefits that are determined by seniority as if they had remained continuously employed. This includes:

- \* Market adjustments
- \* General salary adjustments
- \* Length of service for purposes of vacation accrual and retirement eligibility
- \* Length of service when seniority is determined to be the deciding factor for decisions involving shift selection, vacations and promotions.

## **VI. RE-EMPLOYMENT**

Following active military service, employees will be entitled to return to the former position or to a position of like seniority, status and pay. Employees should report back to the City their intent to reinstate to work as soon as possible.

### **Section 808 - Jury Leave**

Every employee of the City who is required to serve as a juror shall be entitled to jury leave not charged to vacation. Under such circumstances, the employee will be paid full salary and any payment received from the court for such duty shall be remitted to the City, except travel pay. Employees subpoenaed to testify as witnesses in criminal or civil cases shall be entitled to the same benefit as employees called as jurors.

### **Section 809 – Family and Medical Leave**

The City of Holbrook shall comply with the provisions of the Family & Medical Leave Act of 1993 to the extent applicable. To be eligible for FMLA leave, you must have worked for the City for at least 12 months in total, must have worked at least 1,250 hours in the year preceding your request for FMLA leave.

If at the time your FMLA leave begins you have sick leave and/or vacation and the FMLA leave is not for an on the job injury or illness, you will be required to use that time while on FMLA leave. Once sick leave and/or vacation is used, the remainder of your FMLA will be without pay. Sick leave and/or vacation is not earned while on FMLA leave. While on FMLA leave, the City will maintain the employee's coverage under any group health insurance plan, as well as any other supplemental insurance purchased through the City, on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period up to a maximum as allowed by law.

Payment of the insurance premiums must be made by the employee to the City by the first of each calendar month, and will be considered delinquent if not received by the 10<sup>th</sup> of the month. Failure to pay insurance premiums by the due date could result in loss of coverage. Likewise, payment of premiums with a check returned for insufficient funds could also result in loss of

coverage. The City's obligation to maintain the employee's group health insurance plan and supplement coverage ceases if and when the employee informs the City of the employee's intent not to return from leave; the employee fails to return from leave and thereby resigns her or her employment with the City; or the employee exhausts his or her 12 week FMLA leave. In addition, the City's obligation ceases if the employee's premium payment is more than 30 days late. If you do not return to work after an FMLA leave, you will be billed for health care premiums paid by the City while you were on leave. If an employee returns from leave and resigns within 30 days for personal reasons not relating to the FMLA leave, the employee would be required to reimburse the City 100 percent of the cost of the health care while on leave, including any supplemental benefits. The City may recover the debt by deducting, consistent with State law, from any sums due the employee from the City.

#### *Military Family Leave Entitlements*

1. **Active Duty Leave:** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use the leave entitlement to address certain qualifying exigencies to manage their affairs, which is referred to herein as "qualifying exigencies." Qualifying exigencies include (1) short-notice deployment; (2) military events and related activities; (3), childcare and school activities; (4) financial and legal arrangements; (5) counseling ;(6) rest and recuperation; (7) post-deployment activities; and (8) additional activities where you and the City agree to the leave. The length of the leave due to any of the qualifying exigencies will be determined by the applicable regulations and on a case-by-case basis.
2. **Caregiver Leave:** FMLA also includes a special leave entitlement that permits eligible employees who are the spouse, son, daughter, parent or next of kin to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

If Human Resources deems an employee's certification to be incomplete or unclear, the employee may be asked in writing to provide additional information or clarification within seven calendar days. If the ambiguity is not clarified, the City, acting through a management representative or Human Resources professional (but not the employee's supervisor) may contact the health care provider in regard to the incomplete or unclear information in requested in the certification. Where the health care provider sharing the health information

of an employee is covered by the Health Insurance Portability and Accountability Act (HIPAA), the City will obtain authorization from the employee in compliance with HIPAA. If the employee refuses to provide the employer with authorization and does not otherwise clarify the certification, the City may deny the requested FMLA.

### **Section 810 - Vacation Donation Program**

The Vacation Donation Program is established to allow an employee to donate a portion of their accrued vacation to a qualified employee who has exhausted all his/her paid leave hours as a means of financial assistance through the contributions of vacation from fellow employees. A qualified employee is any regular City employee who has a medical emergency, such as a catastrophic illness or injury, occur to him/her for which leave time taken (if any was available) would qualify under Section 802 above including that the recipient has a family member with a serious medical condition they must provide care for, and who has exhausted all paid leave hours. Examples include, but are not limited to, heart attack, cancer or serious injury in a car accident. Determinations of whether a personal emergency meets the criteria of this policy are within the discretion of the City Manager or Personnel Director. Only employees who have completed the initial probationary period will be allowed to donate unused leave time under this program. Donating employees may only donate vacation time in one-hour increments. An employee needing the benefits of this program must make the need known to his/her supervisor. That supervisor may make the donation need known to other members of the department and other City employees. The Personnel Director shall prepare appropriate forms to document leave donation authorization to ensure proper record keeping. Donated leave will be converted on a straight hour for hour basis to the recipient employee's sick leave balance.

The City is merely acting as a transfer agent from the donor to the recipient, and is not responsible for any tax liability of the recipient. The recipient will be taxed on the donated time at the recipient's applicable tax rate. Donating employees will not be taxed on the donated hours transferred to the recipient. All leave donations will be voluntary, and no employee may intimidate, threaten or coerce any other employee with respect to donating or receiving leave under this program.

### **Section 811 - Leave Retirement**

Any employee who formally retires with Arizona State Retirement (ARS) or Public Safety Retirement System (PSRS) shall be compensated for all accumulated vacation (subject to applicable restrictions concerning the accrual of leave). Payment shall be based upon the average hourly rate paid to the employee during the last five years (60 months) of employment.

## **Section 812 – Grandfathered Employees**

A snapshot of accrued sick leave for all employees will be taken at the close of the pay period following the date of adoption of this policy. Any sick leave remaining from the snapshot taken following the date of adoption at the employee's normal retirement as defined by Arizona State Retirement and Public Safety Retirement will be paid on a 1 for 3 basis, payment shall be calculated based upon the average hourly rate paid to the employee during the last five (5) years of employment.

## **Section 813 – Special Leave for Family Death**

In the event of a death in the employee's immediate family, an employee may be granted special leave. Upon documentation that a relative (as defined in Section 202) has died, an employee may be granted leave with pay, not to be charged to any accrued sick leave or vacation leave for a period not to exceed 40 hours. Absences exceeding the above shall be charged to accrued vacation. The City Manager may extend this leave due to extenuating circumstances.

# **ARTICLE IX - DISCIPLINARY ACTION AND RULES OF CONDUCT**

## **Section 901 - Purpose**

The orderly and efficient operation of the City's business requires that employees maintain discipline and proper personal standards of conduct at all times. Maintaining proper conduct and job performance is necessary to protect the health and safety of all employees and others, to maintain uninterrupted productivity, and to protect the City's goodwill and property. The general responsibilities of all employees as outlined elsewhere in this policy, along with specific job responsibilities, need to be performed properly to ensure our success. If inappropriate behavior or poor job performance is observed, employees may be warned and counseled about the need to refrain from similar conduct in the future. However, such steps are not required and termination may immediately occur. Disciplinary action may take the form of admonishment, reprimand, reduction in pay, suspension or dismissal. For the purposes of this article, a day means a calendar day unless otherwise expressed. If the last day of any time period stated herein shall fall on a Saturday, Sunday or legal holiday in the City, then the duration of such time period shall be extended so that it shall end on the next working day which is not a Saturday, Sunday or legal holiday.

## **Section 902 - Reasons for Disciplinary Action**



Grounds for disciplinary actions include, but are not limited to, the following;

- \* Retaliation against reporting for whistleblowing
- \* Violations of safety standards or procedures
- \* Ineffective or substandard work performance.
- \* Abusive attitude, language or conduct.
- \* Negligence or carelessness.
- \* Any conduct resulting in injury to employees of the City, volunteers or members of the public.
- \* Violation of any City rule or regulation.
- \* Violation of any City, State or Federal law.
- \* Being found to be under the influence of alcohol, the abuse of prescribed drugs or non-prescribed drugs while on duty or.
- \* Damaging City property.
- \* Concealing information or failing to report an accident or incident under the purview of any State statute, Federal law or City code or Ordinance.
- \* Failure to report for duty as scheduled or absence from work without an approved leave.
- \* Use of City property for personal purposes.
- \* Violation of the conflict of interest policy.
- \* Abusing sick leave or worker's compensation leave, or malingering.
- \* Engaging in any conduct, on or off the job, that might bring discredit to the City service.
- \* Falsification of City records or other documents.
- \* Falsification of the employment application or other employment records.
- \* Falsification of time records.
- \* Engaging in any discrimination, sexual or other unlawful harassment, or any other unlawful practice.
- \* Failure to properly report an accident involving City property or potential City liability.
- \* Violation of the violence in the workplace policy or the weapons in the workplace policy (Section 208).
- \* Failure to obey any reasonable direction given by a supervisor or other responsible City employee, or any other action or inaction, malfeasance or misfeasance by any City employee which, in the City's sole discretion, warrants disciplinary action.
- \* Excessive absences or tardiness.
- \* Insubordination, including the failure to obey or refusal to follow lawful directives of a supervisor or administrative authority.
- \* Habitual abuse or misuse of grievance policy.

Other work rule violations or other actions which reflect poorly on the employee or the City may also subject an employee to disciplinary action, up to and including termination from City

employment. The above list only illustrates the type of inappropriate actions which may result in disciplinary action.

For employees who are at-will, including, but not limited to, probationary employees who may be terminated at any time, with or without cause, and with or without notice, this list does not change the status of such employment.

For employees who may only be terminated for good cause, the City retains the right to terminate any employee for any reason it deems to constitute good cause.

**Conduct Away from the Workplace.** The City is not interested in intruding into the private lives of its employees away from the workplace. However, the City does expect that employees will meet basic standards of acceptable conduct in the community while away from the workplace. Conduct away from the workplace that is deemed by the City to be so socially unacceptable or shocking that the goodwill of the City as well as its reputation is impugned by the employee's acts, may result in disciplinary action by the City. Disciplinary action, including termination may be taken against any employee found guilty or who pleads guilty to serious crimes such as assault (sexual or otherwise) murder, robbery, burglary or any felony. Employees are required to self-report any criminal charges brought against them. The City also reserves the right to take action as it deems appropriate in the event of sexual or other unlawful harassment of another employee that occurs away from the workplace.

### **Section 903 - Administrative Suspension**

The City Manager or Personnel Director may place an employee on administrative leave with pay pending an investigation, or for any other reason as the City Manager or Personnel Director may deem appropriate. An administrative suspension with pay (which may also be identified as an administrative leave pending investigation) is not considered a disciplinary action, and is not subject to grievance or appeal procedures. Prior to a suspension without pay, any employee who is eligible for the appeal process set forth herein shall be provided a Notice of Proposed Disciplinary action setting forth the basis for the adverse action and providing the employee the opportunity to respond to such notice in writing within five business days thereafter.

### **Section 904 - Disciplinary Action**

The City may impose disciplinary action as appropriate under the given facts and circumstances. The decision as to what level of discipline to impose is the sole and exclusive decision of the City. The Personnel Director and/or City Manager will have the final authority as to whether a particular level of discipline is appropriate in any given case. The following factors may be

considered, if appropriate, in determining which level of discipline will be imposed in a particular case:

- \* The seriousness of the offense.
- \* The employee's work history and prior disciplinary actions.
- \* Prior warnings or notice to the employee of the inappropriateness of the conduct.
- \* The employee's length of service with the City.
- \* The liability risk to which the employee's conduct exposes the City.
- \* The City's treatment of other similar cases in the past.

This list is not intended to be all-inclusive, nor is it intended to list the factors in any particular order of priority or importance. Nothing in this policy shall be interpreted or construed as requiring the application of progressive discipline in any circumstance or set of circumstances. It is the sole and exclusive decision of the City to choose and apply whatever level of disciplinary action it deems appropriate to any given circumstance or set of circumstances.

The Personnel Director or Supervisor, as set forth below, may follow any of the disciplinary actions listed based upon the seriousness of the offense:

\* **Admonishment.** An admonishment may be issued by a Supervisor using the standard form attached, and is the least severe formal disciplinary action, and is intended to point out problems and outline suggestions for resolution of those problems to employees. These documents will be kept by the supervisor in the event that the issue becomes a reprimand.

\* **Reprimand.** A reprimand may be issued by the employee's Supervisor, City Manager or Personnel Director to an employee for an offense not serious enough for suspension, demotion or dismissal. A reprimand shall be in writing using the standard reprimand form attached, and a copy shall be forwarded to the Personnel Director for insertion in the employee's personnel file.

\* **Disciplinary Suspension.** The Department Director may suspend an employee without pay at any time for disciplinary reasons, not to exceed one work day. Suspensions of more than one work day must be approved by the City Manager or Personnel Director. Exempt employees may not be suspended without pay for disciplinary reasons for a period of time less than one day.

\* **Disciplinary Demotion.** The City Manager or Personnel Director may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary reasons. A demoted employee shall be placed in the salary range assigned to the classification to which the employee is demoted as determined by the City Manager or Personnel Director.

\* **Disciplinary Reduction In Pay.** A Department Supervisor, after review with the City Manager or Personnel Director, may use reduction in pay as disciplinary action.

\* **Disciplinary Dismissal.** The ultimate step in any disciplinary action is dismissal from the City service. Prior to such discharge, any employee who is eligible for the appeal process set forth below shall be provided a Notice of Proposed Disciplinary action setting forth the basis for the action and providing the employee the opportunity to respond to such notice in writing within five business days thereafter. If the decision is made to proceed with the discharge, the employee

shall be entitled to a hearing as set forth below.

## **ARTICLE X - GRIEVANCES AND APPEALS**

### **Section 1001 - Grievance Procedure**

1. **Matters Subject To Grievance:** If an employee believes that (1) the City, through its managers or supervisory personnel, violated or misinterpreted one of its policies, regulations, administrative rules, state laws or federal laws, and (2) the grieving employee's employment was negatively affected by the alleged violation or misinterpretation, then the City employee may file a grievance. No other matters are subject to a grievance.

Any issues concerning an imposed disciplinary suspension without pay in excess of one work day, disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be appealed pursuant to the appeal procedure (see Section 1002-2 below) and cannot be pursued through the Grievance Procedure. For the efficient operation of the City, should an employee have an issue that is subject to this Grievance Procedure and also concurrently have an issue that is subject to the Appeal Procedure, the Personnel Director may, in his or her discretion, after the employee's timely submittal of appropriate forms, order all matters to be decided pursuant to the City's Appeal Procedure in one proceeding by so notifying the City employee. Disciplinary suspensions without pay of one work day or less are not subject to grievance under the provisions of this policy.

2. **Grievance Procedure**

**Step One-Informal Level:** An employee who has a problem or complaint subject to the Grievance Procedure must first immediately try to settle the matter through discussion with the immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee may discuss the matter with the next level of supervisor or the Personnel Director. Employees are obliged to make good faith efforts to resolve any dispute informally at the lowest possible level before proceeding up the chain of command or proceeding to the next steps in the Grievance Procedure. The employee must act expeditiously at all times to comply with the time lines set forth in this Grievance Procedure.

Employees who habitually misuse or abuse the Grievance Procedure, or who repeatedly attempt to invoke the Grievance Procedure for matters that are not subject to grievance, may, at the discretion of the Personnel Director, be disciplined and/or barred from using

the procedure for a period of time as may be deemed appropriate by the Personnel Director under the facts of any particular case.

**Step Two-Written Grievance:** If the grievance is not resolved at the informal level, the employee may proceed to the second step of the procedure by writing the grievance, using the City of Holbrook Employee Grievance Form. No writing shall be considered a grievance under this procedure unless it is submitted on the City's form, is fully completed and is submitted to the Department Supervisor to whom the employee's department reports, and a copy to the Personnel Director within 15 working days following the incident about which the employee wishes to complain. The employee's written grievance must contain, at a minimum, the following information:

- A. An identification of the policy, regulation, administrative rule, state laws or federal laws that the employee believes the City, through its managers or supervisory personnel, violated or misinterpreted;
- B. How the employee was negatively affected by the alleged violation or interpretation; and
- C. The employee's requested relief or remedy.

Upon receipt of a written grievance as defined by this section, the Department Supervisor shall respond to the employee's written grievance in writing within five working days of receipt of the grievance with a copy to the Personnel Director. The Department Supervisor may seek the assistance of the Personnel Director in responding if needed and shall do so if the grievance seeks a remedy outside of the authority of the Department Supervisor to grant. The Supervisor shall keep the Personnel Director apprised of the situation.

The employee may proceed to Step Three of this Grievance Procedure only under the following circumstances:

- A. The Department Supervisor did not grant the employee's relief requested and the employee is dissatisfied with the Department Supervisor's response or the Supervisor lacked the authority to grant such relief (for example, grievances concerning compensation); or
- B. The Department Supervisor did not provide the employee with a written response within five working days of the employee's grievance.

**Step Three-Personnel Director Decision:** An employee who is eligible to proceed to Step Three of the Grievance Procedure (as set forth in Step Two) may submit a copy of his or her original written grievance, as well as the Department Supervisor's written response (if any) to the Personnel Director within five days of the Department Supervisor's written response. The documents should be submitted to the Personnel Director with a cover memo explaining that these documents are submitted to the Personnel Director pursuant to Step Three of the Grievance Procedure. The employee may state in the cover memo

the reason(s) he or she is dissatisfied with the Department Supervisor's response to the grievance, if applicable, but may not add any additional or extraneous matters that were not considered by the Department Supervisor in rendering his or her decision on the grievance.

Upon receipt of an employee's grievance pursuant to this procedure, the Personnel Director or the City Manager (the City Manager will determine whether he/she or the Personnel Director will respond), may, in his or her sole discretion, decide to:

- A. Rule on the employee's grievance; or conduct or assign a further investigation, and then rule on the employee's grievance; or
- B. Hold a hearing with the employee and/or any person to gather more facts before ruling on the employee's grievance; or
- C. Take some other action on the grievance as he or she, in his or her sole discretion, deems appropriate under the circumstances.

The employee has the burden of proving that the action being grieved was a violation of one of the City's policies, regulations, administrative rules, State laws or Federal laws. The Personnel Director will inform the employee who filed the grievance which of the above options the Personnel Director has chosen to employ, in writing. The Personnel Director will also inform the employee when the employee can expect to receive a final resolution of his or her grievance. If the employee does submit evidence in support of the grievance, the City may submit evidence disputing the grievance as it deems appropriate.

The decision of the City Manager on any grievance is final and binding for all purposes. If the matter grieved is against the City Manager, the Personnel Director shall obtain the assistance of the City Attorney in responding to the grievance. The City Attorney shall be consulted on all terminations.

## **Section 1002 - Appeal Procedure**

1. Purpose: The purpose of the City's Appeal Procedure is to provide an internal mechanism by which eligible employees may challenge a decision imposing a disciplinary suspension without pay of more than one work day, disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal. The Appeal Procedure is also designed to provide due process for all eligible employees. Employees who are considered to be at-will by either the nature of their employment relationship with the City or because they are terminated during a probationary period are not eligible to utilize this procedure to appeal a dismissal from the City service.

This Appeal Procedure provides the exclusive remedy for any challenge that an employee (or terminated employee) was terminated, suspended, demoted or received a disciplinary reduction in pay in excess of one work day in violation of City rules, ordinances,

personnel regulations, or State or Federal law. Therefore, any claim that an employee may wish to raise challenging a disciplinary action suspension without pay in excess of one work day, disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be raised by following the procedures set forth in this policy, or it will be deemed waived. The decision made pursuant to this procedure is the final and binding resolution of any issues raised for all purposes.

2. **Matters Subject To Appeal.** The only matters which may be appealed pursuant to this procedure are decisions imposing a disciplinary suspension without pay in excess of one work day, disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal (hereafter referred to as appealable disciplinary actions).

3. **Appeal Procedure**

An employee who is eligible and wishes to commence an appeal of an appealable disciplinary action must submit a written request for an appeal to the City Personnel Director. Once an employee has been notified that he or she has been suspended without pay in excess of one work day, has received a disciplinary reduction in pay, a disciplinary demotion or disciplinary dismissal, this Appeal Procedure must be invoked within 10 calendar days of the imposition of an appealable disciplinary action or the employee waives his or her right to appeal and any other remedy which may otherwise be available.

The employee must file a written request for an appeal of the appealable disciplinary action within ten days on the City's Employee/Former Employee Appeal Form, setting forth the following items:

- \* Identification of the action that the employee contends was an appealable disciplinary action, including the effective date of the action;
- \* The reason(s) that the employee contends the imposition of the disciplinary action at issue was not appropriate in this case, by reference to facts, documents, other evidence or legal arguments; and
- \* The employee's relief requested.

Upon receipt of the written appeal request, the Personnel Director will coordinate the scheduling of a hearing for the employee's appeal before the Personnel Advisory Board. The hearing shall normally be held within 30 calendar days of the employee's submission of a valid appropriate form, scheduling permitting. The Personnel Director will notify the employee of the scheduled date for the hearing, and will provide the employee with the administrative regulations which set forth the procedure which will be utilized at the hearing. Hearings shall be closed in order to preserve privacy for the appealing employee. During the examination of a witness, the Personnel Advisory Board shall exclude from any meeting any or all other witnesses in the matter being heard.

At the hearing, it shall be the employee's burden to prove that the City violated or misinterpreted one of its express policies, regulations, administrative rules, or State or Federal law when it imposed the disciplinary action. The employee will be permitted to be represented by an attorney of his or her choosing, at his or her expense. After opening statements by the employee or his/her lawyer and the City's Attorney, the employee must proceed first and must present evidence to support his/her assertion against the City. The employee will also be permitted to cross-examine witness testimony, present evidentiary exhibits and to testify in person. Ordinarily, the hearing will not exceed four hours in length.

The Personnel Advisory Board shall issue a written recommendation to the City Manager stating only whether the Board believes the imposed discipline should be upheld or if the employee's requested relief should be granted. The recommendation should state the factual basis upon which the Board based its recommendation. It is not the role of the Personnel Advisory Board to determine whether a greater or lesser disciplinary action should be imposed, but only whether the employee met his/her burden of showing that the City, by imposing the disciplinary action subject to the appeal, violated or misinterpreted one of its express policies, regulations or State or Federal law. The Personnel Advisory Board shall issue its recommendation within five working days.

Upon receipt of the recommendation from the Personnel Advisory Board, the City Manager shall issue a final decision. In the event that the City Manager has a conflict of interest, the Personnel Director or a person designated by the Personnel Director shall issue the final decision.

### **Section 1003 - Final and Binding-Exclusive Remedy**

Any contention that the City has failed to comply with any obligation it has made to an employee through its ordinances, personnel rules, or any other written or verbal commitments must be raised pursuant to the City's Grievance and Appeal Procedures, as set forth in these policies. Further, any contention that the City has violated State or Federal law in connection with any disciplinary suspension without pay in excess of one work day, disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be raised in a timely manner pursuant to the Appeal Procedure, or it is deemed waived. The final decision rendered pursuant to the exhaustion of the Grievance and/or Appeal Procedure on any matter is a final and binding resolution of the issue for all purposes. Any failure of an employee to pursue any step of the grievance or appeal renders the last decision by the City the final decision.

### **Section 1004 – Anti-Harassment**



It is anticipated that the City's employees will treat each other with courtesy and civility at all times. Harassment or intimidation of any form will not be tolerated. It is specifically unlawful, therefore strictly forbidden, for any person to harass an employee based on sex, race, color, ancestry, national origin, religion, age or disability.

1. Definitions

- a. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include explicit sexual proposition, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another person.
- b. Other harassment consists of unwelcome comments or conduct having specific references to race, color, national origin, religion, age and/or disability. Harassment may include insulting comments, "kidding," "teasing" and "practical jokes," jokes about certain traits, and insulting pictures, cartoons, printed or other visual material.
- c. Unlawful harassment is sexual or other harassment when:
  - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

2. Procedures

- a. If an employee is being harassed on the basis of sex, race, color, national origin, religion, age or disability, or are aware of or suspect the occurrence of harassment, or have any concern about harassment, you should immediately contact your Supervisor, or the Personnel Director.
- b. All complaints and concerns will be investigated promptly and thoroughly by the City at the direction of the Personnel Director, and such investigation shall, as much as possible, be conducted in confidence, and in a manner designed to protect the privacy and rights of all concerned parties.
- c. If the complaint or concern is determined to be justified, the employee whose conduct is considered harassing or intimidating may be subject to appropriate disciplinary action up to and including termination.

**Section 1005 – Cell Phone Usage**

Employees may be provided with cell phone service as a condition of employment. Business use is any use in the course of performing specific job related duties on behalf of and for the benefit of the City of Holbrook. Cell phone service provided to an employee is primarily for business use, and may be used for personal reasons only in emergency circumstances. Cell phones provided to employees will be purchased and owned by the City. Employees are responsible for the safekeeping and care of the cell phone they are assigned.

Employees who are using City vehicles and/or City cell phones are prohibited from using the phone at any time while driving, are responsible for operating City-owned vehicles and potentially hazardous equipment in a safe and prudent manner. Employees are required to pull off the road and stop driving before making or receiving a phone call or making or receiving a text. In the event of an emergency that dictates the use of a cell phone while driving, employees are required to use hands-free technology that insures “hands on the wheel/eyes on the road” at all times. Employees are required to know and follow any State or local law concerning cell phone use while driving.

Use of personal mobile communication devices (cell phones and such) is prohibited while employees are operating City vehicles and equipment. Personal calls and/or texting on personal mobile communication devices during duty hours shall be kept to a minimum (defined as the smallest possible quantity). More than minimal personal use is subject to disciplinary action as provided in Section 902.

## **ARTICLE XI - LEAVING THE CITY SERVICE**

### **Section 1101 - Resignation**

An employee wishing to leave the City service in good standing shall file with his/her department supervisor at least 10 working days before leaving the service a written resignation stating the effective date.

The resignation shall be forwarded to the Personnel Director for processing and upon receipt, the Personnel Director shall prepare all appropriate release documents. Failure to comply with the provisions of this article shall be entered into the employee’s personnel file and may be cause for denial of future employment with the City.

Employees leaving the City service shall turn in all City property and clear all debts to the City prior to receipt of their final paycheck. An exit interview will normally be scheduled for each employee resigning or retiring from the City service as a way of obtaining comments, complaints and suggestions for improvements to the City service. Employees are encouraged to complete an exit interview.

### **Section 1102 - Reduction in Force**

In the event that a reduction in staff is necessitated, whenever possible, employees to be laid off will be given a two-week notice. To determine which employee(s) are to be laid off, the City Manager and Department Supervisor may take into consideration length of service, employee skills, training and job knowledge as determined by performance evaluations, and other factors as may be deemed appropriate. Determinations of layoffs shall be at the discretion of the City Manager.

### **Section 1103 - Retirement**

Eligible employees who retire from the City service shall normally file with the department supervisor and the Personnel Director at least 60 days prior to the effective date of retirement a written notice stating the effective date of the retirement.

# ARTICLE XII - INTERNET

## Section 1201 – Purpose

The Internet provides a source of information that can benefit the City of Holbrook. It is the policy of the City that employees whose job performance can be enhanced through use of the Internet be provided access and become proficient in its capabilities. This policy document delineates acceptable use of the Internet by City employees, volunteers and contractors while using City-owned or -leased equipment, facilities, Internet addresses or domain names registered to the City.

## Section 1202 – Scope of the Policy

This policy applies to Internet access only. It does not cover the requirements, standards and procedures for the development and implementation of City information sites on the Internet.

The following City Internet users are covered by this policy:

- \* All employees of the City of Holbrook.
- \* Volunteers who are authorized to use City resources to access the Internet.
- \* City contractors who are authorized to use City-owned equipment or facilities.

## Section 1203 – Policy

This policy is intended to identify the principles of Acceptable Use and Unacceptable Use of the Internet facilities; define City rights; address Enforcement and Violations provisions; and set forth the Employee Internet Access Disclosure Statement that employees granted access privileges will be required to acknowledge and sign.

Employees who do not require access to the Internet as part of their official duties may not access the Internet using City facilities under any circumstances.

Users are advised not to use the Internet for any purpose which would reflect negatively on the City or its employees.

## Section 1204 – Principles of Acceptable Use

City of Holbrook Internet users are required:

- \* To respect the privacy of other users. For example, users shall not intentionally seek information on, obtain copies of, or modify files or data belonging to other users, unless explicit permission to do so has been obtained;
- \* To respect the legal protection provided to programs and data by copyright and license;
- \* To protect data from unauthorized use or disclosure, as required by State and Federal laws and City regulations;
- \* To respect the integrity of computing systems. For example, users shall not use or develop programs that harass other users and/or damage or alter the software components of a computer or computing system;
- \* To limit use of the Internet facilities and equipment to that which is appropriate and incidental to the employee's official assignments and job responsibilities;

\* To safeguard their accounts and passwords. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations to their supervisor who will then report the same to the network administrator.

### **Section 1205 – Unacceptable Use**

It is not acceptable to use City of Holbrook Internet facilities

- \* For activities unrelated to the City's mission;
- \* For activities unrelated to official assignments and/or job responsibilities;
- \* For any illegal purpose;
- \* To transmit threatening, obscene, sexually oriented or harassing materials or correspondence;
- \* To access, retrieve, view, print or record text, graphics, audio or video information that is threatening, sexually oriented, obscene, pornographic, harassing or unethical;
- \* To reconfigure, delete or alter Internet history files;
- \* For unauthorized distribution of City data and information;
- \* To interfere with or disrupt network users, services or equipment;
- \* For private purposes, such as marketing or business transactions;
- \* For solicitation for religious and/or political causes;
- \* For unauthorized not-for-profit business activities;
- \* For private advertising of products or services;
- \* For any activity meant to foster personal gain;
- \* To reveal or publicize proprietary or confidential information;
- \* To represent personal opinions as those of the City;
- \* To upload or download commercial software in violation of its copyright;
- \* To download any software or electronic files without reasonable virus protection measures in place;
- \* To intentionally interfere with the normal operation of any City Internet gateway.

Note that neither Section 1204 or 1205 shall apply to a police officer engaged in official police business conducting an investigation.

### **Section 1206 – City of Holbrook Rights**

Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are **NO** facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have access to all mail and user access requests, and will monitor messages as necessary to assure efficient performance and appropriate use. Messages relating to or in support of illegal activities will be reported to the appropriate authorities. Employees are hereby notified that there should be no expectation of privacy in regard to the City's Internet or e-mail system.

The City reserves the right to set system parameters, including Internet history maintenance files.

The City reserves the right to log network use and monitor file server space utilization by users,

and assumes no responsibility or liability for files deleted due to violation of file server space allotments. The City reserves the right to remove a user account from the network.

The City will not be responsible for any damages. This includes the loss of data resulting from delays, non-deliveries, or service interruptions caused by negligence, errors or omissions. Use of any information obtained is at the user's risk. The City makes no warranties, either express or implied, with regard to software obtained from the Internet.

The City reserves the right to change its policies and rules. The City makes no warranties, express or implied, with respect to Internet service, and it specifically assumes no responsibility for:

- \* The content of any advice or information received by a user outside of the City or any costs or charges incurred as a result of seeking or accepting such advice;
- \* Any costs, liabilities or damages caused by the way the user chooses to use his/her City Internet access;
- \* Any consequence of service interruptions or changes, even if these disruptions arise from circumstances under the control of the City. The City's Internet services are provided on an as is, available basis.

#### **Enforcement and Violations**

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of Internet facilities, and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement and reports of specific unacceptable uses should be directed to the designated network administrator in writing. Other questions about appropriate use should be directed to the employee's Supervisor.

The City will review alleged violations of the Internet Acceptable Use Policy on a case-by-case basis. Clear violations of the policy will result in disciplinary actions as appropriate.

#### **Section 1207 – Employee Internet Access Disclosure Statement**

Employees of the City who are given Internet access privileges will be asked to review and sign the Employee Internet Access Disclosure Statement included in the Forms section of this policy.

#### **Section 1208 – Social Media**

The City recognizes the growing importance of online social media networks as a communication tool and respects the right of employees to use these media during their personal time. Use of these media during company time or on company equipment, however, is prohibited.

The City takes no position on employees' decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish their own personal information without censorship by the City. Employees must avoid, however, posting information that could cast the City in a negative light in the community.

All employees are responsible for maintaining the City's positive reputation and presenting the City in a manner that safeguards the positive reputation of themselves, as well as the City's employees.

If an employee chooses to identify him or herself as a City employee on any social media network, he or she must state in clear terms that the views expressed are the employee's alone and that they do not reflect the views of the City. Employees are prohibited from acting as a spokesperson for the City or posting comments as a representative of the City.

There are some types of information employees are not permitted to discuss or display online, including:

- Information that is confidential or proprietary to the City, or to a third party that has disclosed information to the City;
- Information about or identifying co-workers;
- Statements disparaging the City's leadership, or its employees;
- Statements, comments, or images referencing illegal drugs or that include profanity or could be considered obscene;
- Statements, comments, or images that disparage any race, religion, gender, disability, or national origin. This includes any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.). As well as any behavior not consistent with the City's expected ethical conduct.

## **ARTICLE XIII - TRAVEL**

### **Section 1301 – Purpose of This Policy**

In order to protect the interest of the City and ensure like treatment for all, uniform policies are hereby established to govern expense allowances to be granted City employees and Councilpersons who travel out of the City on City business. For purposes of this policy, both Councilpersons and Employees will be referred to as "employees."

In addition, the following restrictions should be noted:

- \* The City will not reimburse the purchase of alcoholic beverages.
- \* Expenses related to non-City employee relatives or individuals accompanying the Employee will be disallowed as reimbursable expenses.
- \* All advances should be processed on a timely basis.

### **Section 1302 – Travel Authorization**

All in-state, out-of-City travel at the expense of the City shall be made only on authorization of the City Manager. All out-of-state travel at the expense of the City shall be made on

recommendation of the City Manager. Should the anticipated travel cost exceed the purchasing limits, approval must be obtained from Council prior to travel.

**Before** making a trip, the City employee **must** submit a “travel request and expense report” form on which the nature of the trip, destination, times and dates of the beginning and end of official travel, and estimates of costs must be stated. If the travel is due to an emergency, approval of the travel may be secured post-trip.

### **Section 1303 – Advance Payments**

Employees will be allowed to request advance payment on estimated expenses to finance contemplated travel on City business. Upon review, the City Manager may authorize advance payment of the estimated amount to the employee. When advance payments for travel expenses are made, the reimbursement procedure, as stated herein, must be followed. Advancing money for travel expense does not constitute approval for the expenditure of the entire amount so advanced, as all expenditures must be justified and approved.

All travel advances, regardless of the amount, will be paid through the accounts payable system.

Travel advances are available for employees whenever they anticipate out of pocket expenses. When an employee uses a personal car for travel, the advance will be computed on 100% of the mileage allowance, plus full per diem, and any miscellaneous lodging or registration fees.

All advances, room deposits, commercial fares, pre-registrations and other prepaid expenses will be charged directly to the Department’s expense account, and must be accompanied by a copy of the travel request form for each prepayment.

Vouchers for travel should include the purpose and dates of travel, and should be submitted with a copy of the travel authorization. Travel advances should be requested in an amount sufficient to cover all expenses of the trip. The voucher payment approval form for a travel advance and the travel request should be submitted to accounts payable by the cutoff date for the accounts payable run prior to the travel date.

In order to assist individuals traveling, the City has a credit card that may be used for reservation of rooms, registration or plane tickets when a guarantee is required prior to issuance of payment. The credit card may also be used for payment of these items.

Reservations for plane tickets may be secured with a credit card and do not require immediate payment by the majority of travel agencies. Airfare must be included on the travel reimbursement form.

### **Section 1304 – Expense Approved for Reimbursement**

Officials and employees are expected to show good judgment about travel expenses and have proper regard for economy in conducting business away from Holbrook.



The following list of expense classifications is for information and guidance in determining which expenses are appropriate when traveling on City business. The list is intended as a guide and is not necessarily all inclusive. Discretion remains with the City Manager in approving travel expenses to provide for unusual circumstances.

**Transportation:** The least expensive airfare (usually advance purchase, non-refundable tickets) will be considered standard air travel.

Round trip tickets shall be purchased when air, rail or bus transportation is used, to the extent the City's purpose is served most economically.

Use of personal automobiles for travel may be approved when a City vehicle is unavailable or its use is impractical. When personal automobiles are approved for the convenience of the City, reimbursement will be at the rate allowed by the Internal Revenue Service. The same mileage reimbursement rate will be allowed between Holbrook and the airport of departure for employees using personal automobiles to reach the airport for air travel. Parking fees will also be allowed if the employee must park a car for the duration of his/her official travel (a receipt is necessary for reimbursement).

When use of a personal automobile is approved, the total allowance shall in no case exceed the cost of standard air travel. If an air travel rate is not available, the allowance shall be determined by the City Manager.

When a City vehicle is used for travel on City business, the employee should obtain a fuel card from the Fleet Department if he/she does not already have one issued to him/her, or a credit card from Finance. Upon his/her return, the employee will **promptly** return the card. If the employee does not obtain a City fuel card, he/she must submit receipts for purchase of gasoline, oil, other routine supplies and emergency repairs for the vehicle in order to obtain reimbursement.

**Lodging:** Expenses will be allowed for adequate lodging. Hotel accommodation should be appropriate to the purpose of the trip. Reimbursement will be at the rate allowed by the State of Arizona (see index at [gao.state.az.us](http://gao.state.az.us)). Receipts are necessary.

**Meals and incidentals:** Meals and incidental expenses will be reimbursed on a per diem basis. Reimbursement will be the amount allowed by the State of Arizona Index at [gao.state.az.us](http://gao.state.az.us). Receipts will not be necessary.

**Telephone and faxes:** Telephone and fax messages will be allowed reimbursement for official calls and messages only.

**Registration fees:** Fees charged at a convention or meeting for special registration or dues are allowed for reimbursement. A receipt or some proof of the fee, such as a copy of the conference program setting forth the fee rate, must be provided with the "Travel Request and Expense Report," with a notation of the appropriate training or dues expense account to be charged.

**Lodging, meals and travel time:** For long trips, travel time will be allowed on the same basis as if the employee traveled by air. The employee will charge to the City only the time that would have been needed to make the trip using air transportation. All time used in excess of air time will be charged to the employee's vacation.

**Other methods of reimbursement:** If the City is to be reimbursed for the employee's travel expenses by another government or agency, the employee may use the travel policy from that government or agency for reimbursement of his/her travel expenses. A copy of the travel policy for that government or agency must be attached to the employee's "Travel Request and Expense Report." Also, employees from another government or agency working with the City through joint agreements may use the policy of their government or agency. A copy of the travel policy of that government or agency must be attached to the Expense Report.

**Entertainment expenses:** Only the City Manager, Finance Director or Designated/Authorized Lobbyist will be reimbursed for expenses incurred entertaining persons for official city business. This must be identified as "entertainment." Included with the receipts for these expenses must be a note explaining the purpose of the entertainment and the number of persons in the party.

### **Section 1305 – Travel Expense Report**

Any employee traveling on City business shall complete the "Travel Advance /Reimbursement form," in which a detailed record of his/her expenses must be stated. **All items must be supported by receipted bills attached to the report unless specifically exempted by this policy.**

**All employees traveling out-of-state will be required to prepare and provide a written report of their trip.**

### **Section 1306 – Reimbursement**

To be reimbursed for travel expenditures, the employee must have his/her department head approve his/her "Travel Advance /Reimbursement form," and submit it to Accounts Payable as soon as possible, but in no event later than five working days after his/her return to work. No reimbursement will be made or travel account closed until the "Travel Advance /Reimbursement Form" has been approved by the Supervisor and City Manager. The City Manager shall check for reasonableness, and the Accounts Payable Clerk shall review the expenses, and check the accuracy of transportation costs and time covered. Where cause necessitates, a report will be submitted to the City Manager, together with the opinions of the Department Head, for his/her review and appropriate action.

### **Section 1307 – Settlement of Advance Payments**

If an employee has drawn expense money in advance, a settlement must be made on the basis of actual expenses and the unused balance **promptly** deposited with the Accounts Payable Clerk or City Manager. In the event of per diem, settlement is only necessary if the amount advanced

exceeds the actual time away. If actual expenses exceed the estimate, upon approval of the City Manager, the employee will be reimbursed by the City.

**Meals:** For City business trips, per diem is based upon an average of the geographic, State of Arizona per diem guidelines. See current Travel Advance/Reimbursement form for rates.

Per diem is based on when you leave and return from a City business trip using reasonable travel time. If you leave Holbrook:

Before 7:00 a.m.	entitled to breakfast
Before 12:00 noon	entitled to lunch
Before 5:00 p.m.	entitled to dinner

If you return to Holbrook:

After 8:00 a.m.	entitled to breakfast
After 1:00 p.m.	entitled to lunch
After 6:00 p.m.	entitled to dinner

**The City will not allow per diem for meals included in your registration fee or provided at the place of lodging.** You must deduct the appropriate per diem (or portion thereof) for meals provided in your registration form. You must provide a meeting schedule with your expense statement.

**Lodging:** An employee will be authorized lodging for the night before the meeting or conference if he/she is required to be at the meeting or conference by 8:00 a.m. and the location of the meeting or conference is more than ninety (90) miles and/or 1½ hours driving time from Holbrook. An employee will be authorized lodging for the night after the meeting or conference if he/she is required to be at the meeting until 5:00 p.m. and the location of the meeting or conference is more than ninety (90) miles and/or 1½ hours driving time from Holbrook. **Receipts are necessary.**

**Mileage:** The mileage rate allowed is the same allowed by the Internal Revenue Service. <https://www.perdiem101.com/calculator>

## USE OF CITY AND PRIVATELY OWNED VEHICLES

**Purpose:** The purpose of this Administrative Policy is to establish guidelines for use of all City and privately owned motor vehicles.

All employees whose duties require the operation of a City-owned motor vehicle, or who operate a privately owned vehicle while conducting official business as a part of their employment with the City, must possess a valid State of Arizona Driver's or Commercial Driver's License, and a safe driving record.

1) A periodic check of employee's Drivers and Commercial Driver's licenses through the Arizona Department of Transportation Motor Vehicle Division shall be made by the Fleet Department. Any employee who does not hold a valid Driver's License will not be allowed to operate a City vehicle until such time as he/she obtains a valid Driver's License.

2) Any employee performing work that requires the operation of a City vehicle must notify his/her immediate Supervisor in those cases where his/her license is expired, suspended or revoked. An employee who fails to immediately report such revocation or suspension to his/her Supervisor and continues to operate a City vehicle shall be subject to disciplinary actions and possible termination.

City vehicles shall be used for official City business only. Said vehicles shall not be used for personal business. Employees are encouraged to use City vehicles instead of their own for official City business whenever possible. **(Members of employee's family are not to be in City vehicles at any time, unless a waiver is signed, determined on a case by case basis by the City Manager.)**

Personal vehicles may be used for official City business with the prior approval of the City Manager. Employees using their personal vehicles will be reimbursed at the established rate as outlined in the City of Holbrook Travel Policy after submitting the appropriate forms to the Finance Department. No City employee shall be required to provide his or her own vehicle for conducting City business. The employee will be required to present proof of registration and insurance, and understand that his/her personal insurance is primary. City insurance for liability will take effect when personal insurance limits are exceeded. No physical damage coverage will be provided for the employee's personal vehicle by the City.

City vehicles shall not be taken home overnight except as follows:

- \* Employees attending an out-of-Holbrook event (meeting, conference, seminar or training session) that takes place at night after normal working hours, or that requires travel before or after normal working hours, provided approval has been granted verbally or in writing by the employee's Supervisor.
- \* Those employees designated by a supervisor to be "on-call" for department/division emergencies, including the City Manager.
- \* Personnel assigned vehicles for emergency services, including the Police Chief, Police Lieutenants and Fire Chief.

- \* Police Officers living within the City limits.
- \* Department Heads, with the permission of the City Manager.

Take home vehicles must be available for City business at all times.

City vehicles may be used for travel to lunch when:

- \* An employee is on official business.
- \* An employee is in an out of City location and the vehicle is the employee's only mode of transportation.
- \* Employees are assigned a take home vehicle.
- \* Travel to the personal vehicle will use more City vehicle mileage than travel to the lunch destination.

Transporting non-city individuals in a City vehicle shall be allowed only when the non-city individual is accompanying a City employee on official business, including job "shadowing" or police ride-alongs, or to an official City function or in an emergency situation.

City motor vehicle operator compliance:

- \* City vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver, not the City.
- \* Seat belts must be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure the use of seat belts by all passengers. It shall also be the responsibility of the driver to observe all safety and operational procedures/practices while operating the vehicle.

The provisions of A.R.S. Title 28 shall apply to all accidents involving City employees, City vehicles and/or privately owned vehicles while the driver thereof is actively engaged in official City business. If, while operating a City owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in bodily injury, death or damage to personal property, he or she shall:

- \* Request that all the parties and properties concerned remain at the scene of the accident, if possible, until a law enforcement officer has released them. At minimum, the employee should ensure that police and fire personnel have been notified. If injuries have occurred and the employee is capable and qualified, first aid may be rendered to the victim(s).
- \* Accidents involving City vehicles or persons on duty and actively engaged in City business will be investigated by a law enforcement agency.
  - i) If occurring outside the City, the accident will be investigated by the law enforcement agency having jurisdiction.
  - ii) If occurring within the City and involving property damage or injury, the accident will be investigated by an outside agency if a City owned vehicle is involved.

## **ARTICLE XIV - DRUG FREE WORKPLACE**

The City maintains a drug-free workplace. The unlawful use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and our constituents to unacceptable safety risks, and undermines the City's ability to operate effectively and efficiently.

It shall be a condition of their employment by the City that all employees of the City abide by this Drug-Free Workplace Policy.

The unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance, or being under the influence of the same, is strictly prohibited in the City's workplace or while conducting the City's business outside of the workplace. Such conduct is also prohibited during nonworking time to the extent that, in the City's sole discretion, it impairs an employee's ability to perform on the job, or threatens the reputation or integrity of the City.

If any employee is convicted (including a plea of nolo contendere or no contest) of a violation of a criminal drug statute for conduct occurring in the workplace, he/she must notify the City of such conviction no later than five days after such conviction or plea.

Employees who violate any aspect of this policy shall be subject to disciplinary action up to and including termination.

The City has also established a drug-free awareness program through the distribution and dissemination of this policy, and through the distribution and dissemination of such additional information as deemed appropriate by the City. Employees must be aware that the unlawful use of controlled substances threatens their health, safety and well being, affects their work performance, and jeopardizes the health, safety and well being of the citizens they serve.

The City may require drug and/or alcohol testing of any employee if there is reasonable cause to suspect that he/she is using or is under the influence of a drug or alcohol. The following are examples of where reasonable cause testing may be required:

- \* An employee's behavior is out of character, or an employee exhibits some or all behaviors of the profile of being under the influence of alcohol or drugs.
- \* An employee is arrested for DUI while on City time or while performing City business, regardless of ownership of the vehicle.

### **Pre-Employment Drug and/or Alcohol Testing**

1. The City will test all applicants who receive an offer of employment prior to commencing employment. The City may revoke a job offer to any applicant who tests positive for illegal drugs and that applicant will remain ineligible to reapply for employment with the City for six months.
2. The City may test at random sworn police officers and police department employees responsible for responding to emergency calls.
3. State and Federal laws require those who drive or work on a Commercial Driver's License (CDL) to submit to testing for alcohol, marijuana, cocaine, opiates, amphetamines and phencyclidines under the following circumstances: upon employment

or, in the case of current employees, before performing tasks requiring a Commercial Driver's License for the first time; and after a motor vehicle accident in which the CDL driver received a moving traffic citation and there was loss of life, injury requiring medical treatment away from the scene of the accident or disabling damage to a motor vehicle. (a CDL driver may not use alcohol for eight hours after the accident or until being tested, whichever occurs first.)

4. The city may test on a random basis for up to five years after a CDL driver returns to duty after failing a drug or alcohol test, or refusing to take a test.

5. When the City reasonably suspects the CDL driver is using a controlled substance or alcohol.

6. From time to time, on a random basis, so that at least fifty 50% of the City's CDL drivers are tested each calendar year for drugs, and at least 25% of the City's CDL drivers are tested each calendar year for alcohol. All positive drug tests will be confirmed through a follow-up test using a testing method which is different from the initial testing method. The City is entitled to rely on the results of its drug and alcohol testing to determine if any employee has violated this policy and is subject to discipline. Any employee who tests positive, refuses to submit to testing, refuses to sign all appropriate consent forms, or otherwise fails to comply with this policy may be subject to discipline up to and including termination.

The Arizona Medical Marijuana Act.

The City is the recipient of federal funding and consistent therewith has established a drug free workplace consistent with federal law. Federal law continues to list marijuana as a banned substance and does not recognize an exception for authorized medical use. For that reason, the City is not required to comply with the Arizona Medical Marijuana Act, and marijuana remains a banned substance in our workplace. Under our policy, employees may be disciplined or terminated if impaired while at work, or if the employee possesses or uses marijuana while at work.

## **ARTICLE XV - PURCHASING**

The City Manager, or his/her designee, shall be the purchasing agent for the City. No purchase or contract for services of any kind or description, payment for which is to be made from the funds of the City, shall be made by the purchasing agent or any officer, employee or agent of the City in excess of the established limit. Whenever any contemplated purchase or contract for goods or services in excess of the established limit is anticipated, such purchase or contract shall be presented to the City Council for approval. Employees must follow established purchasing procedures.

## **ARTICLE XVI - SAFETY**

Some of the areas discussed will involve more detailed training, which your particular Manager/Supervisor will address with the employee personally.

It is the responsibility of all City employees to work together and help each other out when it comes to notifying others of unsafe practices/work habits and safety hazards. There are three different methods everyone has to use to notify the proper people about safety, issues and concerns:

1. Notify your Manager/Supervisor of your concern. If this does not work...
2. Notify the Safety Officer.
3. If you wish to remain anonymous, there is a form (Safety & Hazard Materials Alert) provided in this packet for reporting violations.

If at any time during your employment you have questions or safety concerns and would like additional information, you can ask your Manager/Supervisor to see the Safety Manual. In the Safety Manual are all of the policies and procedures concerning safety.

Also available to assist everyone with safety issues is the Safety Officer. The Safety Officer is able to provide more information than is available in the Safety Manual, along with information on any current events in the safety world. Feel free to contact the Safety Officer at any time with safety questions.

Safety of individuals and the protection of property are of great importance to the City, and are the combined responsibility of all City officials and employees. The City recognizes the importance of this responsibility, and shall strive to provide a safe, healthy work environment. Employees shall learn and follow safe work practices outlined in the safety program as directed. The City Manager and the Safety Officer shall be responsible for implementing and monitoring the program.

Employees are also urged to offer suggestions for improvements in the program. The main objectives are:

- \* To create a positive attitude toward the prevention of accidents by all employees of the City.
- \* To recognize and correct any unsafe working conditions, operating procedures and practices so that the general public and employees are protected from harm.
- \* To develop and maintain procedures to provide for emergency medical care of employees who are injured or become ill during the performance of their duties.
- \* To comply with the provisions of Federal, State and local safety rules and regulations.

The Safety Program is organized and operated under the direction of the appointed Safety Officer, who shall review it at least annually as needed for revision.

The program is designed to provide guidelines to follow in achieving a reduction of accidental losses.

**Supervisor responsibility:** The role of the Supervisor is critical to the success of the program. The Supervisor will be expected to ensure compliance, and to promote and encourage safe work



practices consistent with the City Safety Program. The Supervisor should view this responsibility as being equal in importance to other major supervisory responsibilities. The Supervisor shall review departmental safety procedures, and shall be responsible for the safety of all employees under his/her supervision.

Employee responsibility: Employees are required to know, understand and comply with safety regulations that apply to the work they are performing.

Safety Officer responsibilities include:

- \* Developing, implementing and administering the City Safety Program; assuring that all occupational connected injuries or illnesses, vehicle accidents, aircraft mishaps or accidents, fire, property damage or other loss of City resources are reported and investigated, and, where appropriate, recommending corrective measures which may preclude recurrence.
- \* Compiling accident/loss prevention data; analyzing such data, and developing experience and trends. Using these databases, provide periodic reports on the City injury, accident and/or loss experience.
- \* Inspecting City facilities and resources to assure compliance with safety standards and criteria.
- \* Providing assistance to personnel at all operational levels in order to coordinate accident/loss prevention activities.
- \* Conducting and coordinating safety studies designed to evaluate safety programs.
- \* Participating in the development of training programs and materials.
- \* Representing the City at professional meetings pertinent to safety and loss control matters.
- \* Participating in the development, evaluation and revision of standards concerning equipment or work practices.
- \* Conducting periodic audits of the effectiveness of the City Safety Program.

Enforcement:

- \* Along with management and supervisory personnel, the Safety Officer will monitor the plan and encourage compliance.
- \* Disciplinary action may be taken in the case of violations of safety standards per policy.
- \* A Safety Committee appointed by the Personnel Director shall convene semi-annually, or more frequently if necessary, to evaluate the City Safety Program.
- \* Committee focus will include development and revision of safety policies, correction of safety-related program problems and may establish criteria for safety awards. Recommendations made by the committee will be submitted to the Personnel Director for final approval.

#### General Safety Requirements

A. All employees shall conduct themselves in a manner which assures maximum safety to all persons affected by their actions.

B. Protective equipment. Prescribed protective equipment shall be used at all times in work areas designated as requiring such by safety procedures.

C. Handling of materials. All employees are responsible for knowing and practicing the proper lifting and handling techniques presented in safety training.

D. Equipment operation. Operators of City-owned vehicles shall be responsible for checking all vehicle safety devices before operating the vehicle, and for following all safety procedures regarding passengers, vehicles and loads outlined by the Supervisor or Safety Manager. Any defects found shall be reported, and the vehicle will not be operated until the defect has been corrected.

E. Fire prevention. The Fire Department has the primary responsibility for fighting fires, and each employee has the responsibility of being alert for possible fire hazards. Each employee shall be adequately trained by his or her Supervisor in fire prevention, fire fighting techniques and essential precautions to prevent injury.

F. Work area. Employees shall not be required to work in areas or situations where they may be adversely affected by working under such conditions as extreme heights, underground, closed areas, etc., without proper protective devices.

G. Office safety. Employees should follow guidelines provided by the Supervisor and/or Safety Director regarding safety in the office, including, but not limited to information on proper comportment, lifting and carrying, and any hazards that might be encountered in an office situation.

H. Above-ground work. Employees shall use approved equipment and supports that are adequate for maximum protection while working at heights (see Arizona Division of Occupational Safety and Health Administration (ADOSH) standards), and shall follow the safety guidelines outlined by the Supervisor and/or Safety Manager.

I. Electrical facilities. Only qualified and properly authorized maintenance personnel shall be permitted to install and maintain electrical facilities and equipment, and they shall follow the safety guidelines outlined by their Supervisor and/or the Safety Manager.

J. Transporting of equipment. Transporting of equipment to the job site shall be accomplished in accordance with all state and local laws governing traffic control, as well as in accordance with the safety guidelines outlined by the Supervisor and/or the Safety Manager.

K. No smoking areas. All City buildings shall be posted "no smoking" in compliance with the legal smoking limits. All flammable storage areas and fuel dispensing facilities shall be posted "No Smoking Or Open Flames Within Fifty Feet." Work areas in which flammable materials such as paints, lacquers, gas, oil, compressed gases/oxygen, acids or other volatile chemicals are used shall be posted as "No Smoking" areas.

L. Industrial hygiene. Industrial hygiene is the professional specialty concerned with preserving the health of employees while at work. Many processes and operations either produce or use compounds that may be harmful to a person's health. The appointed Safety Officer will refer to a professional industrial hygienist in cases where the occupational health exposures have such significance and frequency that specialized assistance is necessary. The Safety Program shall include surveying, monitoring and controlling potential health hazards. Employees will be notified of hazards using the Safety Data Sheets to meet requirements of The Hazard Communication Act and Title III. Necessary actions shall be taken to control health hazards created by the municipality that may affect the health of either employees or the general public. These actions shall ensure compliance with all applicable environmental protection laws.

M. Safety training. Safety training sessions for management and supervisory personnel shall be conducted and/or coordinated by the Safety Officer. Sessions will review the City Safety Program and responsibilities for implementing the program. These sessions will include a discussion of techniques and procedures for safety orientation of employees, hazard identification, and accident investigation and reporting. All employees shall be required to attend training sessions on general safety, and may be required to attend first-aid care and other specialized safety training for certain job classification.

#### N. Safety Orientation For Employees

New employees. Each new employee, upon beginning employment, will be given a safety orientation. This orientation will include a review of safety policies, and a thorough explanation of the approved and safe procedure for accomplishing all phases of each job assignment. Emphasis will be given to safe operation of equipment and machines, hazards associated with the job that must be avoided, safety precautions to be followed and the proper use of required personal protective equipment. All employees shall be thoroughly oriented by their immediate Supervisors concerning their responsibilities for accident reporting.

Assigned employees. It shall be the responsibility of each Supervisor to acquaint employees with new or revised safety policies, procedures and practices as they are implemented. In addition, Supervisors shall periodically review safety policies and pertinent safety procedures with each assigned employee. Emphasis should be given to safe operation of equipment and machines, hazards associated with the job that must be avoided, safety precautions to be followed and the proper use of required personal protective equipment.

#### O. Safety Inspections

Facilities. To ensure compliance with safety and health standards, safety self-inspections shall be conducted on a regular basis by each Department Supervisor.

Inspections should include all buildings, facilities and equipment, materials, tools and work activities under their responsibility. Special emphasis will be placed on housekeeping, illumination, machine and hazard guarding, fire prevention and protection, and mechanical and electrical safety. Inspection checklists are available from the Safety Officer.

Vehicles. The assigned operator will check vehicles daily. Any safety and/or other deficiencies, such as bad tires, headlight, brakes, etc., shall be corrected. Vehicles will be inspected at specified intervals using written checklists. All vehicles shall be serviced according to a preventative maintenance schedule.

P. Safety suggestions. Employees are encouraged to submit suggestions concerning the modification of any facility, equipment or procedure that they feel will reduce the chances of bodily injury and/or damage to equipment or property. No retaliation is permitted against employees providing safety suggestions.

Q. Industrial injuries.

Injury investigations. All occupational injuries and illnesses, regardless of the degree or extent, or medical treatment or hospitalization, shall be reported to the immediate Supervisor as soon as possible. Prompt investigation is necessary before the facts and evidence of the mishap are removed, destroyed or forgotten. The primary purpose of the investigation is to determine action necessary to prevent recurrence of the same or similar type mishap.

Occupational injury and illness reporting. When an employee sustains an injury or illness arising out of and in the course of employment, it will be reported immediately to the employee's Supervisor. Failure of the employee to do so on the day of the alleged incident could result in denial of the claim. Supervisors should ensure the injured employee receives prompt medical treatment. The Supervisor will immediately complete Form 64-100 "Supervisor's Report of Industrial Injury." The Supervisor, or his representative, will:

- \* Report the mishap in person or by telephone to the Safety Officer as soon as possible, but in no case later than the first duty day after the injury.
- \* Investigate the alleged injury or illness.

Light duty program. Employees recovering from injury or personal illness who cannot return to full status may be eligible for light duty if available. Light duty is assigned to permit employees with medical restrictions to perform limited duty at regular pay for a temporary period. When a physician has determined the employee is eligible for light duty, the employee shall report to the immediate Supervisor. On reporting to the Supervisor, the employee shall present a light duty referral slip signed by the physician. After review, the Supervisor, when possible, will assign the employee to temporary duty based on medical recommendations. Experience has proven limited duty may be helpful in returning the employee to full-time work status.

R. Reporting motor vehicle accidents. Employees involved in vehicle accidents, or incidents involving vehicle damage while in City service, shall notify their immediate Supervisor as soon as possible. Except for medical treatment or to avoid a hazard, do not leave the scene of an accident until it has been reported to a Supervisor and investigated. The Police Department or the

appropriate agency shall investigate vehicle accidents and incidents. Employees shall not conduct the investigation of occurrence in which they are personally involved.

S. Reporting property damage/loss. All personnel are accountable for equipment used to perform assigned duties. Care of equipment entails proper maintenance and security. When equipment is damaged, lost or stolen, documentation is required for claims processing and notification. The employee discovering the damage, loss, or theft of equipment shall immediately report the incident to his immediate Supervisor and the Police Department as appropriate.

