

**TOWN OF CHINO VALLEY
PERSONNEL POLICY AND
ADMINISTRATIVE
GUIDELINE MANUAL**

Effective September 12, 2002
as amended

PERSONNEL POLICY AND ADMINISTRATIVE GUIDELINE MANUAL

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NATURE AND PURPOSE OF MANUAL

This Manual is designed and intended to provide an overview and summary of the personnel policies and administrative guidelines of the Town of Chino Valley (hereinafter the Town) which are and will be in full force and effect as of the effective date designated above. We hope these policies and guidelines will be helpful to you in understanding the Town's Personnel Policies and Administrative Guidelines and encourage you to become familiar with and retain them for future reference.

The Town reserves the right to revise, amend, modify or revoke these policies and guidelines at any time by resolution of the Town Council, pursuant to state law. Nothing contained in this Manual is intended to be construed as an employment contract, either express or implied, for any minimum length of employment. The Town offers no employment contracts, nor does it guarantee any minimum length of employment. Employees are advised that any representation, statement or other action of a supervisor, employee, or representative of the Town contrary to these statements are unauthorized and expressly prohibited. Supervisory employees or officers of the Town have no right to make representations contrary to, or to expressly or implicitly alter, the terms of this Manual. Employees are directed to bring any such representations or statements to the attention of the Human Resources Director, appropriate Department Head or Town Manager immediately. The Town is not bound by any such representations or statements.

In the event of any conflict between the terms of this Manual and federal or state law, the controlling federal or state law shall govern and be complied with. The law in effect at the time in question shall be controlling.

APPLICATION OF PERSONNEL POLICIES AND PROCEDURES

Unless stated otherwise, the policies and procedures set forth in this Manual shall apply to all employees of the Town of Chino Valley except elected officials, members of boards and commissions, persons engaged under contract to supply professional or technical services, voluntary personnel who receive no regular compensation from the Town, and such other personnel as the Town Council may designate.

ACKNOWLEDGMENT OF RECEIPT

I acknowledge receipt of the Town of Chino Valley Personnel Policy and Administrative Guideline Manual bearing the effective date of September 12, 2002, as amended which can also be accessed on the Town of Chino Valley website, at www.chinoaz.net. I also understand that I should contact the Human Resources Department for clarification if I have any questions about the policies or guidelines in the Manual.

Employee's Name (please print) _____

Employee's Signature _____

Date _____

Witness' Name (please print) _____

Witness' Signature _____

Date _____

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PERSONNEL POLICIES AND GUIDELINES DEFINITIONS

I. PURPOSE:

The purpose of this guideline is to define various terms which are used in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual. This guideline will clarify the intended meaning of the various terms and phrases used in the Town's Manual, unless the context within which the terms or phrases appear indicates otherwise.

Alcohol. An intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methal and isopropyl alcohol, which also may be contained in medication, food or other products.

Alcohol Use. The consumption of any beverage, mixture, medication, or concoction containing alcohol.

Appeal. An appeal is the process by which the Town and a Aregular@ employee may resolve a disagreement, complaint or concern regarding one of the types of specific matters or actions which may form the basis of a grievance or appeal as defined in the Town's Personnel Policy and Administrative Guidelines regarding Agrievances and appeals.@

Appeal Committee. A three (3) member committee of Town employees with authority to hear facts, testimony, evidence, and arguments, state findings, and render any conclusions and recommendations concerning appeal matters pursuant to the Town's Personnel Policies and Administrative Guidelines.

Appointment. The designation of a person to a position authorized by the Town Council.

At-Will. Refers to the type of employment relationship between the Town and employees and means that either employees of the Town or the Town itself may terminate the employment relationship at any time with or without cause.

Business Days. Weekdays on which the Town is regularly open for business. This term does not include Saturdays, Sundays or legal holidays.

Commercial Vehicle. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or

- Has a gross vehicle weight rating of more than 26,001 pounds; or
- Is designed to transport sixteen or more passengers including the driver; or
- Is of any size and is used in the transportation of hazardous materials requiring placards.

Controlled Substance. Any narcotics, dangerous, prescribed, or non-prescribed drug as defined by state and federal law.

Council Appointees. This term refers to the Town Magistrate, Town Manager, Town Attorney and such other officers deemed necessary by the Council to serve the Town, at the pleasure of the Council, and who are appointed by the Council as provided by Ordinance of the Town or state statute. The Council may prescribe the duties and compensation of the officers/appointees, and may remove them and fill any vacancies in such offices as provided by Ordinance and A.R.S. § 9-239.

Demotion. The movement of an employee from a currently held position to another position resulting in a lower salary range. A demotion may either be voluntary or involuntary.

Department. A major functional unit of the Town government structure.

Department Head. Means the officially appointed head of any department of the Town government structure.

Discipline. Discipline is defined as any action by the Town to address and correct an employee's work behavior or performance.

Earned Paid Sick Leave. Time away from work taken by an employee using accrued Earned Paid Sick Leave.

Exempt Employees. Employees who, due to the nature of their employment with the Town, are exempt from overtime compensation as defined and governed by the Fair Labor Standards Act (FLSA).

FLSA. The Fair Labor Standards Act, which is a federal law which governs work time and the payment of overtime.

Full-Time Status. A position which generally requires the employee to work 40 hours per week on either a regular or temporary basis. In some instances, full time positions may require the employee to work more than 40 hours per week, depending on the job assignment.

Grievance. A grievance means an alleged complaint, concern or problem raised by a regular employee concerning the interpretation or application of a policy, rule, or procedure set forth in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual by management. The specific matters or actions which may form the basis for an appropriate grievance or appeal are set forth in the Town's Personnel Policy and Administrative Guideline regarding Agrievances and appeals. The grievances and appeals process is the process or procedure by which regular employees may grieve decisions significantly affecting their employment.

Harassment. Harassment is defined as any conduct or action which has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidating, hostile, or offensive work environment, based on that individual's race, color, gender, national origin, religion, age, disability, veteran status or sexual orientation.

Layoff. The separation of an employee from Town service which has been made necessary by the lack of work or funds or other reasons not related to delinquency or misconduct on the part of the employee.

Leave. An authorized absence from regularly scheduled work hours, which has been approved by the proper authority.

Medical Review Officer (MRO). A Medical Review Officer is the physician certified and hired to review the results of employee drug and controlled substance test and issue a binding opinion.

Non-Exempt. Employees who, due to the nature of their employment with the Town, are eligible for overtime compensation as defined and governed by the Fair Labor Standards Act (FLSA).

Notice of Decision. A letter given to an employee to notify them that they are being suspended, demoted, or terminated from Town employment. The letter may be either hand-delivered to the employee or served on the employee through the United States mail via the United States Postal Service or a commercial courier in a properly stamped

envelope addressed to the employee at the employee's last known address or address of record. An employee is deemed to have notice of a decision immediately upon receipt

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when the decision or document at issue is delivered to the employee via personal service or Certified Mail, Return Receipt Requested, and it is received. When the notice of decision is served upon the employee by postage-prepaid mail, five (5) days shall be added to the prescribed time for filing a grievance or appeal under the policies and rules relating to "grievances and appeals" in Policy No. 805, as revised effective April 2, 2003.

Part-Time Status. Employees who are normally scheduled to work less than a full 40 hour week on either a regular or temporary basis.

Parties. The term "parties" as used in the Manual, unless the context within which it appears indicates otherwise, means the Town and the employee at issue.

Performance Appraisal. Written evaluations of an employee's work given prior to the completion of the probationary period and thereafter on each anniversary review date

Personnel Action. An official action taken with reference to the appointment, selection, compensation, promotion, suspension, transfer, layoff, dismissal, or any other type of action affecting the status of an employee.

Human Resources Director. Refers to the person employed by the Town to administer and handle various personnel matters.

Probationary Period. When only the term probationary period as opposed to a disciplinary probationary period or other form of probationary period is used, it means the period of time for all new employees during which time the employee's behavior and performance in their position is assessed to determine whether they should be granted continued employment. After the initial probationary period is completed by an employee, the employee may still be placed on a disciplinary probationary period for disciplinary purposes. Policy No. 235 explains the various probationary periods and the reasons therefor.

Promotion. The movement of an employee from a currently held position to a position in another class having a higher salary range.

Rate of Pay. The employee's hourly rate of pay calculated by dividing his/her annual salary by the number of hours associated with the position.

Reasonable Suspicion. Specific articulable observations concerning an employee's work performance, appearance (including, for example, a noticeable odor of an alcoholic

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beverage), behavior, speech or such other circumstances, such as being involved in an accident while on Town premises or business, which provides reasonable cause or grounds to suspect that the employee was using or is under the influence of alcohol, a controlled

substance or drug for which the employee does not have a medical prescription

Regular Employee. Irrespective of an employee's duration of employment, the Town does not guarantee an employee any minimum length of employment. The terms "regular employee" refer to an employee who has satisfactorily completed the probationary period. A regular employee, unlike a probationary employee, is eligible to utilize the grievance and appeal procedures provided for in the Town's Personnel Policies and Administrative Guidelines.

Safety-Sensitive Function. For employees who are required to drive commercial vehicles on the job, a "safety-sensitive function" is any time waiting to be dispatched ("on call" time); all time spent inspecting, servicing, or conditioning any commercial motor vehicle at any time; all time spent at the driving controls of a commercial motor vehicle; all time, other than driving, spent in or on a commercial vehicle; all time loading or unloading, attending a vehicle being loaded or unloaded, and remaining in readiness of to operate a commercial vehicle; the time spent performing the driver requirements associated with an accident; and all time repairing, obtaining assistance for, or remaining in attendance with a disabled commercial vehicle.

Service. An employee has "notice" of a decision when he or she is made aware of a decision of the Town under the rules relating to grievances and appeals by being provided with a copy of the decision at issue via hand-delivery (i.e., personal service) or having been afforded service of the document by mail through the United States Postal Service or a commercial mail courier, properly stamped and addressed to the employee at the employee's last known address or address of record. If the decision or document is sent to the employee via "Certified Mail, Return Receipt Requested", the document is received and the employee is deemed to have notice of its contents upon his or her receipt of the document.

Service by Mail. Whenever a party (i.e., the employee or the Town) is required or permitted to do an act under the terms of this Manual within a prescribed period of time after the preparation and service of a paper by another part, and the paper is served by postage prepaid mail, five (5) days shall be added to the prescribed period. This

provision does not apply to a document delivered via “Certified Mail, Return Receipt Requested”, which is deemed to have been received upon receipt.

Supervisor. The person who has direct administrative or supervisory responsibility over the employee in question.

Suspension. Suspension is a form of discipline consisting of temporary removal of an employee from their position with or without pay for disciplinary or administrative purposes for a specified period of time, depending on the circumstances bringing about the disciplinary action.

Temporary Employee. An employee who is hired on a provisional, temporary basis for a period not to exceed twelve (12) calendar months.

Termination. The separation of an employee from employment by means other than retirement whether it be voluntary or involuntary, which may be initiated by either the Town or the employee. The term “dismissal”, “discharge” and “termination” are synonymous and interchangeably used in this Manual.

Timely Presentation of Grievance or Appeal. To ensure that a grievance or appeal is presented or submitted in a “timely” manner, the employee filing the grievance or appeal must take measures to ensure that the requisite written materials are actually received by the proper recipient (i.e., the Human Resources Director, Appeal Committee, etc.) within the time set forth in the applicable policy or procedure. In other words, a document or notice is not presented or submitted in timely manner unless it is actually received by the party who is supposed to receive within the prescribed time; it is not enough for the employee to simply post the document or notice in the United States mail within the allotted time. *See also* definitions for Service and Service by Mail.

Transfer. A change of an employee from one position to another position.

Vacancy. A Town Council authorized budgeted position which is not occupied and for which funds are available.

Verbal Reprimand. A verbal warning which personally informs an employee that his/her performance or behavior is unsatisfactory. Verbal reprimands must be documented by the supervisor for placement in the employee’s personnel file, and a copy shall be given to the employee.

Work Week. For non-police employees, the work week shall commence on Saturday and shall end on Friday. For Police Department employees, the work week will remain flexible (and assigned by department management) to best meet the needs of the Town.

Written Reprimand. A written warning giving formal notice to an employee of unsatisfactory performance. A written reprimand may be accompanied by disciplinary action and/or may provide that further disciplinary action will be taken unless his or her behavior or performance improves.

CONDITIONS OF EMPLOYMENT

Loyalty Oath. Unless an employee asserts a legitimate claim that doing so would violate his or her right to the free exercise of religion pursuant to the federal or state constitution, all employees of the Town are required to sign the loyalty oath required by state law (*i.e.*, A.R.S. §38-231).

Employment Authorization. All employees of the Town are required to furnish evidence of compliance with the United States Immigration Reform and Control Act of 1986.

Physical Examination. A physical examination may be required by the Department Head or Town Manager prior to an employee commencing employment. Such physical examination shall comply with the Americans with Disabilities Act requirements.

The Town has the option of testing for current/recent use of certain illegal drugs in all cases where such testing is not required by law, and may require such testing as a condition of employment.

Fingerprinting: The Town shall fingerprint all new employees and volunteers. The Police Department will perform the fingerprinting and, upon completion, return the fingerprints to the Human Resources Department who will process them through the Department of Public Safety (DPS).

Fingerprinting for Town employees / volunteers shall occur under the following circumstances:

- a) New employees;
- b) Employees who move to departments or positions in which they interact with children and / or senior citizens;
- c) Employees who will be operating a town-owned vehicle;
- d) Volunteers, especially those who will be interacting with children or senior citizens, or may be operating a town-owned vehicle.

Employees and volunteers should receive a work order from the Human Resources department to submit to the Police Department for fingerprinting to occur. The Police

Department will forward the fingerprint card back to Human Resources who will process the card through DPS.

Upon return of the results from DPS, the Human Resources Analyst or Director shall make a determination of employment or volunteer eligibility. If the HR Analyst or Director is unable to decipher the Criminal History Report (CHR), he/she may request assistance from the Chief of Police or his/her designee. These results will be returned in writing from the Police Department with one of two findings:

- a) Eligible for hire / volunteer status;
- b) Ineligible for hire / volunteer status.

This status will be communicated by the Human Resource Analyst or Director to the appropriate supervisor.

The Town may also establish at the date of employment or volunteer service that the employee or volunteer has a valid driver's license.

- Modified by Council Action 10/8/2013

JOB APPLICATION

Announcement. Announcements of vacant positions shall specify the title of the position, the manner of making application, salary range/wage, and other pertinent information. The announcement may contain a closing date for receipt of applications as may be determined by the Human Resources Director. The application deadline may be extended by the Human Resources Director or the job may remain open until filled.

Application Forms. Application forms may require information covering training, work experience, employment references, and other pertinent personal and employment information. All applications must be signed by the person submitting the application. The employment process may require that applicants submit to fingerprinting, background investigations, or pre-employment drug testing. Applicants may also have to provide information required by state mandates (such as information required by the Equal Employment Opportunity Commission, State Department of Economic Security, etc.).

Applicants found to have made incorrect or misleading statement or answer on their employment application, of a material nature, about any aspect of their employment application, will be subject to disciplinary action up to and including the Town's refusal to hire the employee, or, if the employee is already hired, the termination of the employee's employment.

Disqualification. The Town may reject any application which indicates the applicant does not have the minimum qualifications required for the position at issue.

RECRUITMENT AND SELECTION

I. PURPOSE:

To establish the authority and responsibility of Town personnel in recruiting and selecting employees, and to maximize the efforts and resources of the Town in selecting the best employees available.

II. SCOPE:

This policy applies to the recruitment and selection of all employees unless stated otherwise below.

III. POLICY AND GUIDELINES:

When a personnel vacancy occurs that involves an employee of the Town not appointed by the Council, the Human Resources Director and appropriate department head shall conduct a joint recruitment and selection process designed to identify the candidate or candidates who in their opinion is best suited for the position and will then make a final selection decision after consulting with and receiving the approval of the Town Manager.

IV. PROCEDURE:

The following steps govern the recruitment and selection process, except with respect to the Police Department which has a different procedure set forth in its Police Department Manual:

- A. The Human Resources Director will:
 - 1. Review the job description and revise if appropriate.
 - 2. Prepare an internal posting form and post the position for a minimum of five business days on a bulletin board readily accessible to Town staff.
 - 3. Advertise the position externally if deemed necessary or appropriate.
 - 4. Receive all applications submitted by applicants.
 - 5. Except for the Police Department, conduct reference checks and background investigations or fingerprinting as deemed appropriate.

Background checks for Police Department employees are conducted under the direction of the Public Safety Director/Police Chief.

6. Assist in selection of the best candidate or candidates with the input of the appropriate department head.
7. Notify all candidates of the status of their applications.
8. Together with the department head, assist the Town Manager in making the final selection decision.
9. Notify a candidate selected for a position.

B. The Department Head will:

1. Review applications to determine which candidates are generally qualified for the position.
2. Conduct interviews and tests as deemed appropriate to determine the eligibility of the candidates.
3. Identify the candidates who appear to be best suited for the position.
4. Assist the Town Manager in making the final selection decision.
5. Make a final recommendation to the Town Manager when appropriate.
6. Schedule the employee ultimately selected to report to work.

V. PROCEDURE CONCERNING DEPARTMENT HEADS:

The Town Manager will make decisions regarding the recruitment and selection of department heads; however, the Town Manager shall notify the Town Council of his or her intentions to hire a department head and shall receive and consider input from all Council Members prior to making the final decision regarding the department head. The Town may also utilize many of the same procedures set forth under heading IV above to the extent deemed applicable.

VI. TECHNIQUE:

The Town may recruit applicants for a vacant position from either within or outside Town employment if it is in the best interest of the Town to do so. Any employee who meets the minimum qualifications for the position may apply for a vacant position; however, probationary employees may do so only with the approval of their Department Head and the Town Manager.

Selection techniques may consist of, but are not limited to, oral interviews, written tests, performance tests, application evaluations, assessment centers, physical ability tests or any other measure of fitness deemed appropriate by the Town.

VII. FELONY CONVICTIONS:

The Town will not employ any person who has a past felony conviction involving a violent crime, a crime of moral turpitude or a crime which reflects that the person is not suitable for the job duties of the position at issue. A person with any other type of past felony conviction shall not be hired without the advice and consent of the Town Council.

COUNCIL APPOINTEES

I. PURPOSE:

To prescribe the Town Council's powers relating to appointed officers.

II. POLICY:

The Town Magistrate, Town Manager, Town Attorney and such other officers deemed necessary by the Council to serve the Town, at the pleasure of the Council or by contract, and are appointed by the Council as provided by Ordinance of the Town and state statute. The Council may prescribe the duties and compensation of these officers/appointees, and may remove them and fill any vacancies in such offices as provided by Ordinance and A.R.S. § 9-239.

EMPLOYMENT OF RELATIVES

I. PURPOSE:

To comply with Arizona statutes and avoid problems with supervision, safety, security and morale of employees.

II. SCOPE:

This policy applies to all Town employees and Council Members.

III. POLICY AND GUIDELINES:

A. State Law. An Arizona statute, A.R.S. §38-481, governs the Town's employment of relatives. It is the Town's policy to comply with A.R.S. § 38-481, which provides that no person may be employed by the Town who is related to the appointing official by affinity or consanguinity within the third degree. An appointing official is defined as an elected or appointed official including administrators and department heads, Mayor and Council Members, and Planning Commission Members.

The term affinity means relationship by marriage and actually refers to the relation which one spouse, due to marriage, has to the blood relatives of the other spouse. Affinity includes the following:

Affinity (Marriage)

First Degree:

Wife

Husband

Father-in-law

Mother-in-law

Son-in-law

Daughter-in-law

Brother-in-law (Your spouse's brother or your
Sister's husband)

Sister-in-law (Your spouse's sister or your brother's wife)

Second Degree:

Grandfather-in-law

Grandmother-in-law

Grandson-in-law

Granddaughter-in-law

Uncle-in-law (Your spouse's uncle or your aunt's husband)

Aunt-in-law (Your spouse's aunt or your uncle's wife)
Nephew-in-law (Your spouse's nephew or your Niece's husband)
Niece-in-law (Your spouse's niece or your nephew's wife)
First cousin-in-law (Your spouse's in-law first cousin or Your first cousin's husband or wife)

The term consanguinity within the third degree means blood relationship as defined as follows:

Consanguinity (Blood)

First Degree: Father
 Mother
 Son
 Daughter
 Brother
 Sister

Second Degree: Grandfather
 Grandmother
 Grandson
 Granddaughter
 Uncle (Your mother's or father's brother)
 Aunt (Your mother's or father's sister)
 Nephew (Your brother's or sister's son)
 Niece (Your brother's or sister's daughter)

Third Degree: Great Grandfather
 Great Grandmother
 Great Uncle
 Great Aunt
 Great Nephew
 Great Niece
 First Cousin (Your Uncle's or Aunt's son or daughter)

The persons identified on the above lists will hereinafter be referred to as immediate family members of employees, and elected and appointed officials.

- B. Additional Restrictions. Applications for employment of close family relatives in situations which are not covered by A.R.S. §38-481, or members of the same household, will be considered with other qualified applicants when personnel vacancies occur; however, some restrictions and prohibitions will apply to prevent problems.

The term close family relatives include an employee's current spouse, children, parents, grandchildren, grandparents, brothers and sisters. For the purposes of this policy, the term spouse means the person with whom an employee of the Town has a legal marital relationship, as well as those involved in a relationship with an employee which, in the Town's judgment, is considered to be a common law marital relationship due to the various factors prescribed by law (such as the permanence, duration and stability normally associated with marriage).

The procedure applicable to close family relatives of employees will be as follows:

1. Close family relatives will not be hired by the Town without the prior approval of the Town Manager.
2. Close family relatives will not be assigned to work in a department where they are under the direct or indirect supervision of another family member.
3. Close family relatives will not be placed in a position where they work with or have access to sensitive or confidential information regarding other close relatives, or, where an actual conflict of interest exists or an appearance of such a conflict exists.
4. In cases where one employee marries another, both employees may retain their positions with the Town if they are not under the direct or indirect supervision of the other and neither of them occupies a position in which he or she has influence over the other's employment or some aspect of the other's employment. Otherwise, one of the married employees will need to discontinue or relinquish their employment with the Town.

EMPLOYMENT OF MINORS

I. PURPOSE:

To establish minimum age requirements for Town employment.

II. SCOPE:

This applies to all Town employees.

III. POLICY AND GUIDELINES:

Full time and part-time employees of the Town must be 16 years of age or older unless the law provides otherwise. Score keepers and umpires for Youth Sports Leagues must be at least 14 years of age.

REHIRES

I. PURPOSE:

To establish policy and procedure regarding former employees applying to be hired.

II. SCOPE:

This applies to all former Town employees.

III. POLICY AND GUIDELINES:

When former employees apply to be rehired, they will be evaluated on the same basis as other applicants. Consideration will be given to past job performance, the circumstances surrounding termination of previous employment, and the former employee's knowledge of the Town's procedures and functions.

IV. PROCEDURES:

- A. The rehiring of any employee must be approved by the Town Manager.
- B. Employees rehired within 30 consecutive calendar days after separation will have their service bridged.
- C. Employees rehired after a break of service of more than 30 consecutive calendar days will receive a new date of hire.
- D. Employees rehired after 30 consecutive calendar days after separation will be treated the same as new employees.

PROBATION

I. PURPOSE:

To provide a means by which the Town may select and retain the most suitable employees, and to provide a process by which the Town may judge an employee's on-the-job work performance and evaluate suitability.

II. POLICY AND GUIDELINES:

- A. Probationary Period of Newly Hired Employees. Newly hired employees shall be subject to a probationary period of not less than six (6) full calendar months of service from the date of hire, except exempt employees and police officers who shall service a probationary period of not less than twelve (12) full calendar months from their date of hire. Police officers, in particular, shall serve a probationary period of one year from the date they graduate from the police academy or, if the officer in question is already accredited by the academy, the officer will serve one full year from the date of hire. Employees subject to the probationary period may be dismissed at any time by the department head with the approval of the Town Manager, with or without cause and without any recourse through the Town's grievance and appeal policies and procedures. In such an event written notification of the termination shall be given to the employee and a copy thereof shall be placed into the employee's personnel file.
- B. Objective of Probationary Period. The probationary period shall be utilized for closely observing and assessing the employee's work performance and suitability for their position.
- C. Performance. Department heads will normally be responsible for training and evaluation of employees during the employee probationary period. Performance appraisals should be conducted during the course of the probationary period. In most cases, such performance appraisals will be conducted at least twice. Additionally, informal coaching and feedback should be provided to the probationary employees on a daily or as-needed basis.
- D. Possible Extension of Probationary Period. Upon the recommendation of the department head, and with the approval of the Town Manager, the probationary period of an employee may be extended for up to sixty (60) days.

- E. Probationary Period for Promoted Employees. Employees who are promoted from one position to another are subject to a ninety (90) day probationary period. The probationary period is shorter than that of newly hired employees because promoted employees have already demonstrated their ability to meet and maintain the Town's standards for job performance and behavior. The probationary period is necessary, however, to determine whether the employee is suitable for the new position. If the employee is not deemed suitable for the position, the employee may be transferred to another position if one is then available.

- F. Transfer to Same Position in Another Department. In the case of employees who are transferred from one position to the same or similar position in another department, there is no probationary period.

- G. Job Performance and Behavior Standards. All employees, regardless of status or length of service, are required to meet and maintain Town standards for job performance and behavior. An employee who fails to meet his or her job expectations based on a written performance appraisal may be placed on probation for up to 90 days with the approval of the Town Manager. If the employee fails to improve his or her job performance to meet the expectations of the job within the probation period, the employee may be released from service with the Town.

- H. Completion of Probationary Period. Employees who complete their probationary period satisfactorily will thereafter become full or part-time regular employees. Upon satisfactory completion of the probationary period, employees move to regular status and are subject to the standard performance appraisal process and other Town policies. Successful completion of the probationary period *does not* create any contractual rights for such employees. Employees who complete their probationary period are not normally eligible for pay increases at that time (unless their probationary period ends at the completion of their first year of employment).

Furthermore, upon satisfactory completion of the probationary period, employees shall be subject to the standard performance appraisal process. Irrespective of an employee's position, there is no guarantee of employment for any specific length of time. Upon satisfactory completion of the probationary period, the employee becomes a regular employee. Regardless of status or duration of employment, all employees (both probationary and regular employees) must comply with and maintain Town standards for job performance and behavior.

- I. Disciplinary Probation. All employees, regardless of status or length of service, are required to meet and maintain certain standards for job performance and behavior. Any employee who fails to meet expectations of the Town based on a written performance appraisal may be placed on probation by his/her Department Head, with the approval of the Town Manager, for a period of up to ninety (90) days. During such a period, the employee shall accrue annual leave and sick leave time. However, the employee shall not accrue earned time for salary review or promotion while on such probation, nor shall he/she be allowed to compete in promotional examinations while on such probation. If the employee fails to improve his/her job performance to the satisfaction of the Department Head and Town Manager during the course of the disciplinary probationary period, the employee may be released from service with the Town.

- J. Failure to Successfully Complete Probationary Period. During any probationary period, the employee may be released or terminated from his or her employment with the Town at any time and for any reason or no reason as provided by law.

CHAIN OF COMMAND

I. PURPOSE:

The Town strives to provide and maintain a work environment in which there is open and honest communication among all employees.

II. POLICY AND GUIDELINES:

It is the policy of the Town to encourage open and complete communication between employees and/or appointed officials, subject to state and federal personnel laws and regulations.

Many, if not most, issues can be resolved through open communication. To facilitate this, the Town has an open door policy. To ensure open and honest communication between the Town and employee, and to keep necessary parties well informed, the Town requests employees to follow the chain of command within their department. In the event an employee has a question, complaint or concern, the employee should first explain it to his or her supervisor or department head if applicable. If an employee's initial discussion with the supervisor or department head does not resolve the question, complaint or concern, or if the employee for some reason is unable to speak with the supervisor or department head, he or she may then direct the concern to the Human Resources Director or Town Manager. It is the responsibility of the Human Resources Director to deal with personnel concerns.

If an employee's concern deals with a complaint of harassment, discrimination or any illegal activity, or any similar problems of equal gravity, the employee must report those types of concerns directly to their department head, the Human Resources Director, or the Town Manager.

PERSONNEL RECORDS AND PRIVACY

I. PURPOSE:

To establish standards by which information contained in personnel records will be managed to achieve accuracy, privacy and legal compliance.

II. SCOPE:

This policy applies to all departments and Town employees.

III. POLICY AND GUIDELINES:

- A. Personnel records will be maintained containing information on each Town employee to meet state and federal legal requirements and to assure efficient administration.
- B. Notification of Changes. Changes of address, telephone number and/or family status (birth, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Personnel department's office, as an employee's income tax status and group insurance may be affected by these changes.
- C. Files Access. Access to personnel files is restricted to authorized employees of the Town Manager's office, the Town's legal counsel and Personnel Department's office and supervisors or managers on a need to know basis as determined by the Town Manager. Personnel files are the property of the Town and may not be removed from the Personnel department's office.
- D. Information Requests and Employment References. Requests for information from employee files received from other departments and inquiries from outside the Town, including requests for references on former employees, will be directed to the Human Resources Director. Supervisors and other employees are prohibited from providing personal or employment references on ex-employees or current employees.

IV. PROCEDURE:

- A. Personnel File Contents. When an employee is hired at the Town, a personnel file will be established generally containing the following information:
1. Application for employment and related hiring documents, such as resumes and course transcripts.
 2. Personal information changes and personnel action notices of pay and employment status changes.
 3. Performance documents including performance appraisals.
 4. Tuition reimbursement documentation.
 5. Pay advance requests.
 6. Employee history updating information submitted by employees including recent education, records of outside achievements, changes affecting withholding tax, etc.
 7. Other documents pertaining to employment such as appreciation letters, corrective action reports, employment verifications, training records, and references from previous employers.

Medical records, documents necessary for the administration of Town benefit programs, and any investigatory information will be kept in a separate confidential file. I-9 forms are also kept in a separate file. These files may be examined only by individuals who have the approval of the Town Manager for legitimate purposes.

- B. Fingerprints and Criminal History Reports. All Town staff and volunteers who handle the processing of fingerprint cards, fingerprints, and / or criminal records for the express purpose of employment or volunteer service, must undergo the training offered by the Department of Public Safety (DPS). All personnel or volunteer records containing information pertaining to fingerprinting and / or criminal history records will be kept in a separate file from the employee's personnel file.

All Town staff and volunteers who handle the processing of fingerprints and / or criminal history records must adhere to this handling policy, the privacy guidelines established by the Town, and the records retention policy associated with fingerprints and criminal history records.

The assignment of the Town's Agency Security Contact (ASC) required by DPS will generally be the Human Resources Analyst or Director. He / she may designate the appropriate personnel who will be handling the fingerprints, the criminal history reports, or both. These designated personnel will be responsible for completing the training offered by DPS, and following the procedures, guidelines, and record retention policy of fingerprints and criminal history reports as established by state statute.

Records containing information about fingerprints or criminal history will be retained while the employee or volunteer is still gainfully employed or on active volunteer status. The Town will administer record destruction as established by the Town Clerk's office, who is the official record keeper of the Town's records and its retention policies. The ASC will shred the documents / material in accordance of the appropriate dates established by state statute.

C. Examination of an Employee's Personnel File. Inspection of an employee's personnel file may be accomplished at reasonable times during office hours under the following conditions:

1. Employee. Employees may examine their files at reasonable times, and upon prior 24 hour notice submitted to the Human Resources Director's office. This review will take place in the Human Resources Director's office with a representative present. Notes of legal or disciplinary investigations in progress, if any, will be removed before the employee views the file.

Employees may obtain a copy of documents in the file that contains their signature.

2. Management Staff. Management staff may examine active and separated employee files on a need to know basis.

3. Government Inquiries. The Town generally will cooperate with federal, state and local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. However, the Town may first seek advice from legal counsel. The Town may permit a government investigator to review a personnel file on Town premises, but the investigator will not be allowed to remove or reproduce this information without consent from the Town Manager and/or the Town's attorneys.
4. The Town will maintain a record of individuals granted access to personnel files and will make that record available to the respective employee.

D. Information Requests and Employment References. If employees wish the Town to verify information requested by outside sources for credit or other purposes, a release form with the employee's signature must accompany the request.

Employment references on former employees will be provided by the Human Resources Director or representative, as follows:

1. References with Written Approval: Salary history, job chronology and performance information may be released with written approval of the employee or ex-employee. This information will be released in writing and a copy retained in the employee's personnel file.
2. Telephone Inquiries: Information will be verified by the Human Resources Director or representative via telephone (after a reasonable caller identification) but will be limited to the following:
 - * date of hire and date of separation
 - * job title(s)
 - * confirmation of salary stated by caller
3. Written Inquiries: If the request for information is in writing, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in the employee's file and sent to the employee's last known address if the employee is no longer employed by the Town.

4. Law Enforcement Inquiries: The Chief of Police or his or her designee may discuss with other law enforcement personnel facts relative to the employment of former police officers of the Town.

EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE:

To establish a policy for recruiting, selecting and retaining qualified personnel for Town jobs, and maintain an employment environment free from discrimination.

II. POLICY AND GUIDELINES:

- A. Equal Opportunity Employment. It is the policy of the Town to provide equal employment opportunities to qualified individuals without regard to their membership in any protected class. It is the intent and desire of the Town that equal employment opportunity be provided in all aspects of the employer-employee relationship including, but not limited to, the following: recruitment, hiring, promotions, lay-offs, terminations, demotions, transfers, training, rates of pay, fringe benefits, use of facilities and equipment, and other terms, conditions and privileges of employment.

Accordingly, it is the Town's intent and policy to:

1. Recruit, select, hire and promote for all job classifications without regard to the job applicant's/employee's membership in any protected class (such as race, color, sex, national origin, religion, veteran status, marital status, age, physical or mental impairment or disability, or prior industrial injury);
2. Make all employment decisions based upon principles of equal employment opportunities;
3. Ensure that all other human resource actions such as compensation, benefits, Town-sponsored training, programs which effect the terms, conditions and privileges of employment, are administered without regard to any individual's membership in any protected class; and
4. Provide equal employment opportunities to those who are disabled, provided they can carry out the essential functions of the position for which they are to be hired or to which they are to be promoted or transferred, including reasonable accommodations when necessary or warranted.

Any alleged act or complaint inconsistent with the foregoing should be immediately reported to the Human Resources Director and/or Town Manager for appropriate investigation and action.

PROFESSIONAL AND PERSONAL CONDUCT

I. PURPOSE:

The integrity and image of the Town and its employees are of the utmost importance; not merely for administrative reasons, but because this government organization exists to serve its citizens. Therefore, it is important to have recognized and accepted standards of conduct for employees, both on and off the job, when the employee's behavior reflects upon the Town and/or community.

The purpose of this policy is to provide specific standards of behavior for Town employees to adhere to.

II. POLICY AND GUIDELINES:

It is the policy of the Town of Chino Valley to expect, uphold, promote, and demand the highest standards of conduct from all of its employees and officials, whether elected, appointed or hired, and consequently all Town employees and officials should maintain the utmost standards of personal integrity, impartiality, truthfulness, honesty, ethics, and fairness in carrying out their public duties. At all times employees should avoid any improprieties, real or perceived, in their professional lives and never use their position or powers with the Town for personal gain.

Employees are expected to be courteous, prompt and considerate in their dealings with the public and shall conduct themselves at all times in a manner which does not bring discredit or embarrassment to the Town.

1. Employees shall not directly or indirectly use or allow the use of Town property of any kind, including property leased, loaned or otherwise used by the Town, for anything other than officially approved activity. Further, at all times, employees are obligated to protect and conserve any Town property entrusted to them.
2. Employees shall not use any official position or title with the Town for personal gain.
3. Employees must never allow themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.

4. Employees shall act in a manner which reflects impartiality, and all official decisions must be made free from any chain of impropriety.

Examples of conduct which are strictly prohibited and may result in discipline up to and including termination are set forth in Policy No. 800, entitled DISCIPLINE.

POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION

I. PURPOSE:

To maintain an employment environment free from harassment, discrimination and/or retaliation.

II. POLICY AND GUIDELINES:

The Town is committed to providing a professional work environment free from unreasonable interference, intimidation, hostility or offensive or demeaning behavior on the part of co-workers, managers, supervisors or agents of the Town. It is the Town's policy and practice to comply with the Federal and State Civil Rights Acts, the Americans with Disabilities Act, Arizona Worker's Compensation laws, and all applicable federal and state statutes and regulations. It is a violation of the law and against the Town's policy for any employee, regardless of position, to harass or discriminate against a fellow employee or officer on the basis of race, national origin, color, religion, age, sex, veteran status, mental or physical disability, or any other legally protected status. It is also unacceptable and against the Town's policy for any employee to discipline any subordinate employee for: a) complaining about or resisting harassment, discrimination or other unlawful conduct; or b) exercising a right or privilege conferred by law.

Any form of unlawful harassment, discrimination or retaliation is unacceptable and will not be ignored, tolerated or condoned. The term unlawful harassment is defined as any form of harassment based on race, national origin, color, religion, age, sex, veteran status, or mental or physical handicap or disability. The term unlawful harassment includes, but is not limited to, any verbal, visual, or physical conduct or behavior which is offensive or threatening, or which impairs morale or interferes with the effectiveness of employees in performing their job duties, particularly if:

- a. submission to such conduct is an explicit or implicit term or condition of employment; or
- b. submission to or rejection of such conduct is used as the basis for making employment or other personnel decisions; or
- c. such conduct has the purpose or the effect of unreasonably interfering with an employee's work performance; or
- d. such conduct has the purpose or the effect of creating an intimidating, hostile, or offensive work environment.

Examples of such harassment are unwelcome or unwanted physical contact, requests for sexual favors, displaying in the workplace of offensive or suggestive objects or pictures, unwelcome or offensive gestures, tormenting, jokes based on race, national origin, color, religion, age, sex or disabilities, and the like.

No manager, supervisor, officer, or other agent or representative of the Town has a right to base any personnel decision, or to condition the terms, benefits or privileges of employment, on an employee's acceptance or rejection of such sexual advances or requests for sexual favors.

Any employee who observes or feels subjected to unlawful harassment, discrimination or retaliation while employed by the Town shall report it immediately to his or her Department Head. Alternatively, if the Department Head is the perpetrator of the alleged harassment, discrimination or retaliation, or if the employee believes that his or her Department Head will be unsympathetic to such a complaint, the alleged conduct should be reported to the Human Resources Director or Town Manager. All managers, supervisors, department heads or other agents or employees of the Town who receive a report of any violation of this policy are required to inform designated personnel immediately. Upon receipt of such a report or complaint, the Department Head or the Human Resources Director shall undertake an appropriate investigation and take reasonable steps to ensure confidentiality to the maximum extent possible under the circumstances.

Complaints of conduct or actions in violation of this policy shall be promptly and thoroughly investigated. If the Town determines that an employee or officer has engaged in unlawful harassment, discrimination or retaliation, disciplinary action shall be taken against the offending party. Depending on the severity of the misconduct, the disciplinary action could range from a warning to termination of the offender's employment. Any supervisor, manager, department head or Personnel representative who is or has been made aware of unlawful harassment, discrimination or other prohibited conduct and fails to take appropriate corrective action may also be subject to discipline which may include, but is not limited to, discharge.

The Town expressly prohibits any form of retaliatory action against any employee for making a *bona fide* complaint under this policy, or for assisting in a complaint investigation. However, if after investigating the complaint, it is found that an employee has knowingly or intentionally registered a false complaint, or has provided false information about the complaint, the employee's Department Head should be made aware of such findings. The Town shall then take such disciplinary action as may be warranted under the circumstances and recommended by the Department Head or the Human Resources Director, whichever the case may be, up to and including termination of the complainant's employment.

WORKPLACE VIOLENCE

I. PURPOSE:

The Town strives to provide a safe workplace for all employees. To ensure a safe environment for employees to work in and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy and guideline.

II. POLICY:

The Town will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activity during the course and scope of their employment.

The following list of behaviors, while not exclusive, provides examples of prohibited conduct:

1. Causing physical injury to another person;
2. Making threatening or harassing remarks or phone calls;
3. Engaging in aggressive or hostile behaviors that create a reasonable fear of injury to another person or subject another person to emotional distress;
4. Any form of fighting other than law enforcement training;
5. Intentionally damaging public or private property;
6. Possession of a weapon while on Town property or while conducting Town business (unless authorized to do so to carry out the duties of your position);
7. Committing acts motivated by, or related to, sexual harassment or domestic violence.

III. REPORTING PROCEDURE:

Employees who observe or are aware of any of the above-described prohibited conduct, or aware of any potentially dangerous situations in the workplace, must report it immediately to their supervisor or department head. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, to the extent permitted under the circumstances, and such information shall be disclosed to others only on a need-to-know basis. The Town will actively intervene upon any known indication of a possibly hostile or violent situation.

IV. RISK REDUCTION MEASURES:

Those responsible for hiring employees may take reasonable efforts to conduct background references and review the backgrounds of potential job candidates to reduce the risk of hiring individuals with a history of violent behavior.

Individual departments of the Town will strive to conduct annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any corrective action deemed necessary shall be taken to reduce risks.

Employees are expected to exercise good judgment and to inform their immediate supervisor or department head if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior may include, but is not limited to, the following:

1. Discussing weapons or bringing into the workplace;
2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
3. Making threatening remarks;
4. Sudden or significant deterioration of work performance;
5. Displaying irrational or inappropriate behavior.

Where possible, employees who encounter an armed or dangerous person should notify their supervisor or the police immediately, and shall refrain from taking any actions or measures which may endanger the safety of fellow employees or others. Otherwise, employees should remain calm, make constant eye contact with the individual and cooperate to the extent deemed appropriate.

V. ENFORCEMENT:

Any threats, threatening conduct, or other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed any such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on Town premises will be reported to the proper authorities for investigation and possible prosecution.

POLITICAL ACTIVITY

I. PURPOSE:

As citizens, employees of the Town may exercise their rights to register and vote in all elections, including Town elective offices. However, although employees are encouraged to participate in elections as private citizens, there are certain restrictions on how employees can participate in the electoral process. This will set forth the policy of the Town concerning political activity of Town employees and will set forth guidelines outlining restrictions on such activity.

II. GENERAL POLICY STATEMENT:

This policy applies to all employees.

III. TOWN ELECTIONS:

A. Prohibitions and Restrictions.

1. No employee of the Town may be a candidate for nomination or election to any paid or partisan public office while still employed by the Town.
2. No employee may take part in the management or affairs of any political party or in any political campaign for a candidate participating in a Town election during working hours.
3. No employee may use their position to sell, solicit, or distribute any campaign material during working hours and/or in a uniform used by or identified with the Town government.
4. No employee may use their position to introduce, guide, or recommend any candidate for public office on Town property or during working hours.
5. No employee shall use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or any consideration.

Employees engaged in prohibited political activity will be subject to disciplinary measures up to and including termination.

B. Permissible Activities.

1. Employees may register and vote in any election.
2. Employees may express their opinions.
3. Employees may display a political picture, sticker, badge or button.
4. Employees may participate in the activities of a civic, community, social, or professional organization.
5. Employees may be members of a political party or other political organization and participate in its activities to the extent consistent with law.
6. Employees may attend a political party convention, fund raising function, caucus or similar gathering of a political party in support of or in opposition to a party candidate or public office or political party office.
7. An employee may sign a political petition as an individual.
8. An employee may make a financial contribution to a political candidate, party or organization.
9. An employee may run for or support the candidacy of a person running for school board or Junior College District Governing Board elections.
10. An employee may serve as a member of the Board of Governors of a School District or as a Member of the Community College District Governing Board.
11. An employee may be politically active in connection with a question which is not specifically identified with a political party such as a constitutional amendment, referendum approval of a municipal ordinance or any other question or issue of a similar character.
12. An employee may serve as an election official or any similar position to perform nonpartisan duties as prescribed by state or local law.
13. An employee may work in campaign headquarters after working hours.
14. An employee may attend meetings for the purpose of becoming informed concerning candidates for a public office and/or a political issue.

Nothing contained in this policy shall be construed as denying any Town employee their civil or political liberties as guaranteed by the United States Constitution and Arizona Constitution.

ACCEPTANCE OF GIFTS

I. PURPOSE:

To preserve the public trust, the Town seeks to enact this policy and provide guidance to employees with respect to the appropriateness or impropriety of accepting or soliciting gifts, compensation, fees, entertainment or other items of value in the course of or as a result of performing the duties of their position.

II. STANDARDS OF CONDUCT AND GUIDELINES:

Other than gifts/awards from the Town, no employee shall, for personal gain, accept or solicit any compensation, fee, gift, discount, entertainment or other item of value in the course of or as a result of performing the duties of his or her position. Except as otherwise provided herein, Town employees, and their family members, may not accept gifts or favors from, or on behalf of, any person, business, organization or group conducting business with the Town.

Unless otherwise prohibited, department heads may approve of the acceptance of certain gifts (such as a basket of fruit, cookies, candies, etc.) provided that such gifts are shared and made available to the entire work group or department.

Promotional items and meals valued at less than \$25.00 (such as pens, calendars, T-shirts, etc.) may be accepted by employees with the prior approval of the department head.

CONFLICTS OF INTEREST

All officers and employees of the Town are expected to comply with the provisions set forth in the Arizona Revised Statutes, § 38-501 *et seq.*, regarding conflicts of interest.

Employees shall not engage in any business activity or have a financial or other personal interest, direct or indirect, which adversely affects the proper discharge of or would tend to impair their judgment or action in the performance of their job duties for the Town. Personal interest, as distinguished from financial interest, includes an interest arising from blood or marital relationship or close business or political association.

Employees shall not represent another person for compensation before a department, board, commission, instrumentality, or other legislative or administrative body of the Town with which they are or were employed within the preceding twelve months, or for which they serve or served within the preceding twelve months, concerning any matter that they were directly concerned with and personally participated in by a substantial and material exercise of administrative discretion.

During the period of an employee's employment or service and for two (2) years thereafter, the employee shall not disclose or use for personal profit, without appropriate authorization, any information acquired by them during the course of their official duties which has been clearly designated to them as confidential, when such confidential designation was or is warranted due to the status of the proceedings or circumstances under which the information was received and where preserving its confidentiality is necessary for the proper conduct of government business. Nor shall any employee disclose or use, without appropriate authorization, any information acquired by them in the course of their official duties and that is declared confidential by law.

Employees shall not use or attempt to use their official position to secure any valuable thing or valuable benefit that would not ordinarily accrue to them in the performance of their official duties.

Furthermore, employees may not receive or agree to receive, directly or indirectly, any compensation other than as provided by law or by their employment for any service rendered or to be rendered in their capacity as an employee of the Town.

A few examples of prohibited conflicts of interest are as follows:

1. Interest in Appointments.

Employees should not canvass the Mayor or Members of the Town Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to a Town job. This does not apply to positions filled directly by the Town Council.

2. Preferential Treatment to Citizens.

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

3. Services or Employment Which Adversely Affects Good Judgment.

Engaging in or accepting private employment or rendering services for a private interest which adversely affects the proper discharge of an employee's official duties or impair his/her judgment or action in the performance of his/her duties.

4. Unauthorized Disclosure of Confidential Information.

Disclosure of confidential information concerning the property, government or affairs of the Town without proper authorization, or using such information to advance the financial or other private interests of the employee to others.

5. Representing Private Interest Before Town Agencies or Courts.

Appearance on behalf of private or commercial interests before any agency related to Town activities, or representing private or commercial interests in any action or proceeding against the interest of the Town in any litigation to which the Town is a party.

6. Interest in Contract with Town.

Having any private interest in any contract or purchase made by the Town, or the acceptance of any gift, favors, travel, etc. from any citizen who is subject to regulation by the Town or who is seeking to do business with the Town.

7. Disclosure of Interest in Legislation.

An employee who has a financial or other private interest shall disclose any conflict of interest in writing on the records of the Town or other appropriate authority, and the nature and extent of such interests.

Any employee who has, or whose relative has, a substantial interest in a 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 and shall refrain from participating in any manner as an employee in such decision.

DRUG AND ALCOHOL FREE WORKPLACE AND TESTING

I. PURPOSE:

To establish the Town's policy prohibiting the use, possession, manufacture, purchase, sale, transfer or being under the influence of alcoholic beverages, controlled substances, illegal drugs or other intoxicants at any time during the course of employment, while on Town premises or property or while on Town business.

It is our intent to protect the safety of our employees and the public we serve, and to prevent accidents that are the result of use of alcohol or one or more drugs or controlled substances as defined below.

II. SCOPE:

This policy applies to all job applicants and employees. However, where this policy is less onerous than the requirements of the written drug and alcohol testing policy of the Police Department of the Town, the written policy of the Police Department shall control and be followed, including the additional provisions in the Police Department Policy regarding drug and alcohol testing of law enforcement officers. Portions of this policy also apply to employees who are required on a regular, intermittent, or occasional basis to perform duties which demand the possession of a commercial driver's license (CDL).

III. GUIDELINES:

A. Definitions.

The term "alcohol" means ethanol, isopropanol, methanol, or any low molecular weight alcohol. The term "drugs" means any unlawful nonprescription drug, dangerous drug, narcotic drug, marijuana, or the metabolite of any such substance or drug, as defined in A.R.S. § 13-3401 *et. seq.*, or any substance considered unlawful under the Controlled Substances Act (21 United States Code ' 812) or the metabolite of such substance. The testing is designed to, but not limited to, detect alcohol and such drugs as amphetamines and methamphetamines (*speed*), barbiturates (*sleeping pills, downers*), benzodiazepine (*Valium*), methadone (*heroin substitute*), phencyclidine (*PCP*), propoxyphene (*darvon*), opiates (*heroin, morphine, opium*), THC (*marijuana, hashish*).

B. Testing.

1. Pre-employment. Prior to commencing any job duties, all new employees shall be required to undergo testing for alcohol, illegal/illicit drugs, and controlled substances. Any job candidate who tests positive for drugs, controlled substances, or alcohol will not be hired. Pre-employment testing also pertains to current employees who transfer or are promoted into a position which requires the possession of a commercial driver's license (CDL). Any candidate who refuses a pre-employment test will not be hired.
2. Reasonable Suspicion. Reasonable suspicion testing will be conducted when any employee, as a result of the observation of a supervisor or independent report of the employee's behavior, is reasonably suspected of prohibited conduct that is characteristic of alcohol, drug or controlled substance use, as outlined in this guideline. The employee shall be ordered to submit to a drug, controlled substance and alcohol test. The employee must report to the test site, driven by a supervisor, immediately upon being notified of the need to test.
3. Post-Accident Testing. Employees who are involved in an accident within or outside the workplace, while on duty, shall be required to undergo drug and alcohol testing following the accident. The drug testing shall be done within 32 hours of an accident, and breath and alcohol testing should be done within 2 hours after the accident.

Nothing in this guideline should be construed as to require the delay of necessary medical attention for any injured people following an accident, or to prohibit a driver from leaving the scene of an accident under appropriate circumstances to obtain assistance in responding to the accident or necessary medical care.

Following an accident which meets the criteria listed above, the employee's supervisor should take the employee to the designated testing facility immediately. If the alcohol test is not administered within 2 hours following the accident, the supervisor will prepare a written report stating

the reasons the test was not administered. Copies of the report shall be maintained in both the affected department and in risk management. If the alcohol test is not administered within 8 hours following an accident, all attempts to administer the test will cease. The supervisor will prepare a written report stating the reasons the test was not administered, and copies of the report shall be maintained in both the affected department and in risk management.

If the controlled substances test is not administered within 32 hours following the accident, all attempts to administer it will cease. The supervisor will prepare a written report stating the reasons the test was not administered, and copies of the report shall be maintained in both the affected department and in risk management.

4. Random. Random drug, alcohol, and controlled substance testing is required of all CDL drivers under the Omnibus Transportation Employee Testing Act of 1991 and the FHWA Controlled Substances and Alcohol Use Rule.

Random drug and alcohol testing is accomplished through the use of a computer program which generates at random a list of employees who are selected for testing. The names and social security numbers of all employees will be entered into a computer, and the computer will draw the name or names of the employees subject to such testing from the pool of employees. The computer will select the date and time, which will be unannounced, and such date and time will be with unpredictable frequency throughout the year. Random rate adjustments, where applicable, will be determined based on the annual Management Information System (MIS) report submitted by the employer to the department of transportation agencies. Once the employee is notified of selection for random testing, the employee must proceed to the designated collection site to provide the requisite sample.

5. Self-Identified. Except in the case of Police Officers, a one time self-identification opportunity is available for regular employees and must be totally voluntary. Self-identification is not allowed after an employee has been notified to report for a random, post-accident, or reasonable suspicion

test. The employee shall be required to report for the above-mentioned test if they identify themselves as being on alcohol, controlled substances or drugs as defined in this guideline.

However, discipline will not be initiated where he or she self identifies pursuant to this guideline.

6. Return to Duty and Follow-up. Any employee of the Town who has violated the prohibited alcohol and drug standards set forth herein will be subjected to drug and alcohol testing upon returning to duty following suspension or rehabilitation, and all such employees will be required to undergo follow-up drug and alcohol testing (which will be comprised of at least six unannounced tests that will be conducted in the first twelve months after the employee returns to duty, and, in addition, follow-up testing may be extended for up to sixty months following a return to duty).

C. Prohibited Conduct. No employee shall:

1. Refuse to submit to an alcohol, drug or controlled substance test;
2. Use, sell, purchase, transfer or have in possession alcohol, any illegal drug, or controlled substance as defined herein while on Town time;
3. Operate a vehicle or perform a safety-sensitive function while using, or having used, any illegal drug, alcohol, or controlled substance or medication in violation of the Town's policies and guidelines;
4. Test positive for alcohol of .02 or above; and/or
5. Test positive for an illicit/illegal drug or controlled substance.

D. Collection and Testing Procedures.

The Town will test samples obtained from job applicants and employees for unlawful drugs and/or alcohol. The term "sample" means urine, blood, breath or saliva from the person being tested.

Sample collection, transportation, testing and storage will be accomplished using procedures that ensure accuracy, reliability and confidentiality of test results.

All drug and alcohol sample collection and testing will be performed according to the following conditions:

1. The collection of samples will be performed under reasonable and sanitary conditions.
2. Sample collections will be documented and the documentation procedures will include labeling of samples in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test sample/result provided. The employee being tested will be afforded the opportunity to provide, on his or her own volition, notification of any information that he or she feels may be considered relevant to the test, including identification of currently or recently used prescription or non-prescription drugs or other relevant medical information.
3. Sample collection, storage and transportation to the place of testing will be performed in a manner reasonably designed to prevent the possibility of sample contamination, adulteration or misidentification.
4. Sample testing will comply with scientifically accepted analytical methods and procedures, and drug testing will be conducted at an approved/certified laboratory.
5. Drug and alcohol samples will be collected at a certified collection facility. Samples will then be transported from the collection facility to a certified laboratory for testing.
6. Drug and alcohol testing under this policy will be deemed "work time" for the purposes of compensation and benefits for employees. The Town will pay all actual costs for drug and alcohol testing required of job applicants and employees, and the Town will pay reasonable transportation costs to employees who are required to travel to and from the testing facility.
7. Any job applicant or employee reporting for testing, who is experiencing a condition referred to as shy bladder and cannot

provide an adequate amount of specimen, will remain in the presence of the technician for a period up to three (3) hours, and may consume up to 40 ounces of liquid. If after the above-stated time has lapsed and an adequate amount of specimen still cannot be collected, action will be taken by the employer, which may include re-testing, or referral to a physician for cause.

Drug testing may be conducted by analyzing urine specimens of job applicants and employees. The job applicant or employee will provide a urine specimen in a location that affords privacy to the applicant or employee, and the "collector" will then seal and label the specimen, complete a chain of custody document, and prepare the specimen and accompanying paperwork for shipment to a drug testing laboratory. A collection and chain of custody procedure will be used that will ensure the specimen's security, proper identification and integrity.

A two-stage process will be used to test for drugs. First, a screening test is performed. If the laboratory obtains a positive test for one or more drugs, then a confirmation test will be performed for each identified drug using a gas chromatography/mass spectrometry analysis.

Any negative drug result will be reported to the Town as such, and in the event of a positive drug test result, the employee will be given an opportunity to provide the Town with appropriate documentation of any legitimate medical explanation that may exist for the presence of the prohibited drug so a determination can be made by the testing facility as to whether the drug test should be reported as a negative or positive test result. If no such documentation is provided, the test result will remain as is. If documentation is provided by the employee and the testing facility determines that a legitimate medical explanation exists for the presence of the prohibited drug, then the drug test result will be reported to the Town as a negative test result. And conversely, if the testing facility determines that a legitimate explanation does not exist for the presence of the prohibited drug, then the test result will be reported to the Town as a positive test result.

Any of the following constitutes a positive test for illegal/illicit drugs or controlled substances:

Initial Test Level

Marijuana	50 ng/ml**
Cocaine metabolites	300 ng/ml
Opiate metabolites	2,000 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	1,000 ng/ml

Confirmatory Test Level

Marijuana metabolites	15 ng/ml
Cocaine metabolites	150 ng/ml
Opiates	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	500 ng/ml ¹

Employees testing positive for drugs or controlled substances will immediately be removed from their position and will be subject to termination, pending a pre-termination conference. They may be referred to a Substance Abuse Professional (SAP) and will be required to undergo the treatment specified, at the employee's expense. Upon recommendation of the SAP, the employee must complete a return-to-duty test before returning to work in a safety-sensitive capacity. The results of the test must be negative. An employee who fails a return-to-duty test will be subject to further disciplinary action, up to and including termination. An employee's continued employment is contingent upon keeping scheduled SAP appointments, a negative return-to-duty drug screen, following the treatment plan established by the SAP counselor, and negative alcohol/drug screens. A second occurrence of testing positive for drugs or controlled substances will result in termination.

With respect to breath alcohol testing, the Town will use training and proficiency requirements for breath alcohol technicians, quality assurance plans for the breath testing devices, requirements for suitable test locations, and measures designed to ensure privacy and confidentiality of employee test records, as are set forth in 49 Code of Federal Regulations Part 40.

**ng/ml = nanogram per milliliter. A nanogram is one billionth of a gram.

Alcohol testing will be performed using a breath testing instrument that conforms with the requirements of the United States Department of Transportation. Two breath tests are required to determine whether an applicant or employee has a prohibited alcohol concentration. A screening test is conducted first. An alcohol concentration of .019 grams per 210 liters of expired breath or lower is acceptable, and therefore any test result showing an alcohol concentration of .019 grams per 210 liters of expired breath or lower is considered a "negative". If the screening test yields an alcohol concentration of .020 grams per 210 liters of expired breath or above, a second/"confirmation" test must be performed. The employee must remain in the presence of the breath alcohol technician throughout the time the confirmation test is being performed. If a confirmation test is required, the test will be conducted using a breath testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the breath testing device to ensure the reliability of the results. The confirmation test result will determine whether any disciplinary action is appropriate.

A confirmed breath test result showing an alcohol concentration of .020 grams per 210 liters of expired breath or above is unacceptable, constitutes a "positive" test result and is grounds for disciplinary action up to and including termination. A job applicant with an alcohol concentration of .020 grams per 210 liters of expired breath or above will be denied employment. An employee with an alcohol concentration of .020 to .039 grams per 210 liters of expired breath will be removed from duty for 24 hours and, at the discretion of the Town, may be discharged.

Any refusal to submit to a drug or alcohol test will result in the refusal being treated as a positive test result and will subject the employee to termination.

Additional information concerning testing methods and collection procedures will be posted in the Personnel Department office of the Town.

E. Consequences of Prohibited Conduct by CDL Drivers.

The following consequences apply to CDL drivers who are found to be in violation of the above-referenced policy and guidelines:

1. Drivers shall not be permitted to perform safety-sensitive functions.

2. Drivers shall be advised by the Town of the resources available in evaluating and resolving problems associated with the misuse of alcohol or use of drugs or controlled substances.
3. Drivers shall be evaluated by SAP, at the Town's expense, which shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug or controlled substances use.
4. Before a driver returns to duty requiring performance of a safety-sensitive function, they shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of 0.00, if the conduct involved alcohol; or a drug or controlled substance test with a verified negative result, if the conduct involved drug or controlled substance use.
5. In addition, each driver identified as needing assistance in resolving problems associated with alcohol, drugs or controlled substances shall be evaluated by a SAP to determine that the driver has followed the rehabilitation program prescribed.
6. The driver shall also be subject to unannounced follow-up alcohol, drug and controlled substance testing. If the SAP determines that follow-up testing for alcohol, drugs or controlled substances be conducted, follow-up tests will be conducted for all three, although the driver may have violated only an alcohol or drug/controlled substance violation. The number and frequency of such follow-up tests shall be as directed by the SAP, and consist of at least six tests in the first 12 months. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty.

In addition to the required action described above, the Town's policy will be that disciplinary action up to and including termination, may be taken against CDL drivers who engage in conduct prohibited by the FHWA rule and/or Town policy or guideline.

F. Adverse Employment Action.

The Town may take adverse employment action against an employee or prospective employee based on a positive drug test or positive alcohol test. The Town may use that test result or test refusal as a basis for disciplinary or rehabilitative action that may include any of the following:

1. A requirement that the employee enroll in a rehabilitation, treatment or counseling program approved by the Town, which may include additional drug testing and alcohol testing, participation in which may be a condition of continued employment and the cost of which may or may not be covered by the Town or the Town's health plan or policy.
2. Suspension of the employee, with or without pay, for a designated period of time.
3. Termination of employment.
4. Refusal to hire a prospective employee.
5. Other adverse employment action.

The type of disciplinary or rehabilitative action taken will be a decision within the sole discretion of the Town.

G. Confidentiality of Results and Access to Records.

All communications received by the Town relevant to drug tests or alcohol test results and received through the Town's testing program will be kept confidential. The Town will only disclose the test results to:

1. The tested employee or prospective employee or any person designated in writing by that employee or prospective employee. The employee has the right, on request, to obtain the written test results.

2. Individuals designated by the Town to receive and evaluate test results or hear the explanation of the employee or prospective employee.
3. An arbitrator or mediator, or a court or governmental agency as authorized by state or federal law.

A tested employee has a right of access to the written test results that pertain to him or her, subject to the maintenance of confidentiality for other individuals. Any request for such information must be put in writing, addressed to the Town and signed by the tested employee or prospective employee or signed by a person designated (in writing) by that employee or prospective employee.

TOBACCO USE IN THE WORKPLACE

I. PURPOSE:

To assist in providing a healthy and clean work environment.

II. SCOPE:

This policy applies to employees and visitors in all Town buildings and vehicles.

III. POLICY:

The Town respects the individual preferences of employees at our facility. When these preferences come in conflict, the Town anticipates that the majority of instances will be resolved through a spirit of courtesy and cooperation. The department head and Town Manager may be helpful in reaching an accommodation.

IV. DEFINITION:

Tobacco use means smoking and/or spitting chewing tobacco juice.

V. PROCEDURE:

- A. Prohibited Areas. For reasons of safety, public relations or other concerns, smoking and the spitting of chewing tobacco juice is prohibited in all Town buildings and vehicles.

USE OF COMPUTER/NETWORK RESOURCES

Access to and use of computer systems and network owned or operated by the Town is a privilege which imposes certain responsibilities and obligations on employees. This policy and guideline establishes the parameters of appropriate computer/network usage for employees.

Guidelines Concerning Use. Any and all functions performed by an employee while utilizing Town equipment and resources is considered as public in nature and in no way may be considered personal or private. As such employees are accountable for any actions which cause them to violate this guideline. Any violations of this guideline may result in progressive disciplinary action up to and including termination.

A. Appropriate Use.

1. Employees may use the software and hardware supplied to them to perform functions in the normal course of their employment for the Town, which clearly support the mission, vision, and goals of the Town.
2. Employees may utilize the supplied software and hardware for non-business purposes, provided that they have the prior written consent of their immediate supervisor. The written consent should specifically list the additional usage in which the employee is authorized. The supplied software includes software loaded by the information and technology services organization used by the Town on a personal computer, file server, or other network computer system in which the employee is authorized to use.
3. Customizing the windows desktop with personal preferences for resolution, color, wallpaper, screen saver, and using the options and software provided with the operating system are permissible.

B. Inappropriate Use.

Any activity involving the Town's network, which knowingly contradicts the mission, vision, and goals of the Town, is inappropriate. Activities that violate local, state, or federal laws are also prohibited. Actions which violate public trust or hamper the ability of information and technology services staff to provide network support are likewise prohibited.

Some examples of inappropriate use include, but are not limited to, the following:

1. Loading any software on a personal computer without the knowledge and consent of the information and technology services department. This includes wallpaper, screen savers, sound effects, and other software components.
2. Altering system hardware settings of a personal computer through any system setup or windows utility.
3. Addition of peripheral devices (modems, printers, palm pilots) to a personal computer without the knowledge and consent of the information and technology services department.
4. Revealing any system passwords to another employee or using the password of another. Mechanisms are in place that would allow personnel access to a co-worker's files or e-mail should that co-worker be unexpectedly unavailable. Such a request should be made in writing to the information and technology services department with the approval of the employee's immediate supervisor, if possible.
5. Knowingly and falsely taking the identity of another employee while accessing any Town-owned computer system. Example: finding a personal computer which somebody else had signed on and sending e-mail using the other person's identity.
6. Changing the software or hardware settings on another user's personal computer.
7. Attempting to gain access to information, computer accounts, or other computing resources in which you are not authorized.
8. Damaging, altering, or tampering with another's data contained within the Town network, without the other's approval and/or consent of the employee's supervisor.
9. The use of profane, abusive, or threatening language in any electronic files or correspondence.
10. Any action in which the employee knowingly affects the efficient operations of the Town's network.
11. Violating any copyright protection or license agreements for computer software.
12. Violation of any other Town or information and technology services policy, such as the Internet use guideline.

COMPUTER HARDWARE, SOFTWARE AND SERVICES

I. PURPOSE:

Any and all functions employees perform while utilizing Town equipment and resources, including computer hardware, software and services, are considered public in nature and may in no way be considered personal or private. As such employees must be accountable for their actions in which they inappropriately use computer hardware, software and/or services of the Town. This policy and guideline will establish the parameters of such computer equipment, software, and related services for and by employees.

II. GUIDELINES CONCERNING STANDARD OF CONDUCT:

Violations of any of the following guidelines may result in disciplinary action against an employee:

1. Purchasing computer devices, software, or related consulting services without the prior knowledge and consent of the Town Manager or designee of the Town Manager;
2. Installing computer devices and software of the Town without the prior knowledge and consent of the Town Manager or designee of the Town Manager; and
3. Conducting consulting services related to Town information technology without the prior knowledge and consent of the Town Manager or designee of the Town Manager.

INTERNET USE

I. PURPOSE:

The objective for providing Internet access to Town employees is to enable the employees to better serve internal and external customers. This objective may be achieved by enabling staff to communicate via electronic mail with citizens, vendors, Council Members, and peers. To facilitate this, employees are permitted to browse and retrieve the wealth of research information available on the worldwide web. This policy sets forth the parameters and guidelines for such Internet usage.

II. GUIDELINES REGARDING INTERNET USE:

The Town reserves the right to inspect and document each employee's use of Town-provided Internet access. The following guidelines will be used, and must be followed by employees, when using the Internet access provided by the Town:

1. All information sent over the Internet should be considered public information and should be treated as such.
2. Use of the Internet service should be driven by the desire to achieve the Town's mission.

CONFIDENTIALITY

I. PURPOSE:

To ensure the appropriate confidentiality of Town business.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY:

Confidential Nature of Town Affairs. It is the policy of the Town that the business affairs of the Town should be discussed with no one outside the organization except when required in the normal course of business and in compliance with the public records requirements of state and federal law.

Employees handling confidential information are responsible for its security. Extreme care must be exercised to ensure that confidential information is safeguarded to protect the citizens of the Town.

Any questions concerning access to any information that is not clearly a public record shall be referred to the Town Manager or the Town Attorney. Violations of this policy will subject an employee to disciplinary action up to and including dismissal.

SOLICITATION AND DISTRIBUTION

I. PURPOSE:

To ensure a productive work environment where employees and business operations may function without disruption.

II. SCOPE:

This policy applies to all employees during work time, while on Town premises or within a Town vehicle or property.

III. POLICY AND GUIDELINES:

The Town strives to establish a work environment that is productive and without undue disruptions. Therefore, solicitation by one employee of another is prohibited while either employee is on work time. Distributing literature and circulating petitions during work time or in work areas is also prohibited.

TOWN VEHICLE USE

II. PURPOSE:

To establish policies and procedures for appropriate use of Town-owned vehicles. For the purpose of these policies, “vehicles” include equipment.

III. SCOPE:

This policy applies to all Town employees, including elected officials.

IV. POLICY AND GUIDELINES:

- A. Assignment of Vehicles. The assignment of all department vehicles is based upon job description and department need. Department Heads who have vehicles available for work purposes may assign such vehicles in a manner consistent with department workload and employee function.
- B. Restricted to Business Use. Town vehicles and equipment shall be used only for official Town business; personal use is prohibited.
- C. Driving Experience Requirements. All employees operating Town vehicles shall provide, upon request, their past three (3) years driving history. Driving history shall be updated annually. Copies of each employee’s driver’s license(s) and driving records shall be maintained by the Human Resources Department.
- D. Driver’s License Requirement. All employees of the Town who operate a Town vehicle shall have a valid Arizona driver’s license, with a classification appropriate for the type of vehicle they are operating. Employees shall ensure their licenses remain in effect during the course of their employment with the Town. An employee with only an out-of-state driver’s license shall not be permitted to operate Town vehicles until a valid Arizona license is obtained.
- E. Vehicle Tracking. The Town reserves the right to utilize Global Positioning Satellite (GPS) technology on all Town-owned, leased or rented vehicles, to be used as a tool to help ensure the vehicles are used in according to Town policy and as efficiently as possible. The Town Manager will be notified of all GPS installations on Town vehicles. The Town Manager or designee(s) shall be provided with access to monitor information obtained from the GPS. Vehicle operators shall not attempt to disable or otherwise tamper with GPS tracking

mechanisms, cameras or other

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monitoring devices installed on Town vehicles.

F. Use of Town Vehicles. Employees driving vehicles shall obey all applicable traffic and parking regulations, ordinances and laws.

1. Employees who incur parking or other fines in Town vehicles shall be personally responsible for payment of such fines.
2. Employees who are issued citations for any offense while using a Town vehicle must notify their supervisors immediately. Employees involved in an accident may be required to submit to a test for drugs or alcohol. Such tests will be conducted in accordance with Town policies and procedures.
3. An employee who has his or her license suspended or revoked shall immediately inform his or her supervisor and shall not be allowed to operate Town vehicles until driving privileges are restored.
4. Employees involved in an accident while operating a Town vehicle shall report it immediately to their supervisors.

No employee shall use a vehicle for out-of-state business travel without advance, written approval from the employee's Department Head.

G. Take Home Vehicles. It is the policy of the Town that certain positions require employee access to vehicles on a 24-hour basis. A request for an assignment of a Town vehicle to an employee for 24-hour non-personal use shall be made in writing by the Department Head to the Town Manager or designee, and will only be considered for employees who require a vehicle for their job functions. The following are permissible reasons for allowing take-home vehicles:

1. Designated on-call status.
2. Frequent after hours or emergency availability.
3. Work at a time that occurs outside of normal business hours. The employee must arrive at the destination very early in the morning, or arrive home late at night.
4. Daily and extensive field work where use of the vehicle will significantly

reduce travel time and distance in the completion of assigned duties.

5. Use is necessary to the successful completion of a task.
6. Other reasons as determined by the Town Manager.

Vehicle use is limited to travel to and from the employee's residence and place of work. The vehicle should be driven over the most direct route, taking into account road and traffic conditions. Personal use is strictly prohibited.

"De minimis" use by an employee during the normal commute to and from work or to an assigned jobsite shall not be considered personal use. "De minimis" use may include short stops in a Town vehicle at a grocery store, bank, or similar stops when performed during the normal commute to and from work or to an assigned jobsite.

The use of a take-home vehicle must be directly related to the employee's current duties and responsibilities. Department Heads shall review the continued necessity for any take-home vehicle, on an annual basis. The Town Manager may take away the use of any take-home vehicle at any time with or without notice.

- H. Town Vehicles Parked at Residence. Official use of Town vehicles shall include parking police department vehicles at the officer's residence. Employees who are assigned take-home vehicles are expected to park such vehicles in safe locations. All employees who are assigned take-home vehicles shall ensure that the vehicles are made available for department use during any absence from normal Town duties, such as during leave, travel, or training. In no case shall a Town vehicle be kept at an employee's residence while an employee is on an extended absence from duty.
- I. Responsibility for Taxes. Employees shall be responsible for any taxes due pursuant to the Internal Revenue Code (IRC) for personal use of business vehicles as a taxable fringe benefit for the employee.
 1. Under this rule, the value of a vehicle provided to an employee for commuting use is calculated by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. This amount, which normally calculates to \$3.00 per day, must be included in the employee's wages or be reimbursed by the employee.

2. For Town vehicles that are not exempt per IRS rules, the employee must report each one-way commute per day through the employee's Town timesheet.

Amounts included in an employee's wages will be included in the employee's W-2 form for the end of the year.

3. It is the sole responsibility of the employee to determine (i) if there are any tax implications associated with a take-home vehicle and (ii) the record keeping requirements.
4. Exempt Vehicles: The IRS allows exemptions from recordkeeping and taxation requirements when employees use the following vehicles for commuting:
 - (i) Clearly marked police, fire and public safety vehicles
 - (ii) Unmarked law enforcement vehicles when used for authorized purposes and operated by a full-time law enforcement officer
 - (iii) Cargo carrier with over a 14,000 pound capacity
 - (iv) Delivery truck with seating only for the driver or only for the driver plus a folding jump seat
 - (v) Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flatbed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks. Vans and pickup trucks are taxable unless specially modified so that personal use is unlikely (e.g., a van that has only a front bench for seating, its cargo area filled with permanent shelving and a painted insignia).
- J. Seatbelt Requirement. All employees who drive or are passengers in Town vehicles are required to wear seatbelts in the manner required by law at all times that the vehicle is being operated.
- K. Portable Communication and Electronic Devices. All employees who drive a Town vehicle shall abide by all state and local laws and codes pertaining to the use of portable communication and electronic devices. No person shall use a mobile communication device while operating a motor vehicle upon a street or highway in a manner that is not in compliance with state and local laws and codes.

- L. Certain Passengers Prohibited in Town Vehicles. Only Town employees or those authorized by the Town Manager or Department Heads may accompany Town employees in Town vehicles on official Town business.
- M. Alcohol and Tobacco Prohibitions. Employees shall not:
1. Operate a vehicle under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
 2. Transport alcoholic beverages or illegal drugs when driving a Town vehicle. This prohibition shall not apply to alcoholic beverages or illegal drugs seized as part of a law enforcement investigation, but only for such time as necessary to transport such items to a location for evidence storage or for destruction.
 3. Use any tobacco products, including but not limited to regular cigarettes, electronic cigarettes and chewing tobacco, in any Town vehicle.
- N. Disciplinary Action. Violation of these rules can result in disciplinary action up to and including dismissal and repayment to the Town of misspent or misused Town resources.

EXEMPT/NON-EXEMPT EMPLOYEE STATUS

I. PURPOSE:

To define exempt and non-exempt employee status and to provide guidelines for determining this status according to law.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY AND GUIDELINES:

All positions in the Town will be classified as either exempt or non-exempt in compliance with law and for pay administrative purposes.

IV. DEFINITIONS:

Definitions of exempt and non-exempt status are based on provisions of the Fair Labor Standards Act (FLSA) and state law. These definitions are summarized as follows:

- A. Exempt. Management, supervisory, professional and administrative employees whose positions meet specific tests established by the FLSA and state law and who are exempt from overtime pay requirements.
- B. Non-Exempt. Employees whose positions do not meet FLSA exemption tests and who are compensated one-and-one-half times their regular rate of pay for hours worked in excess of 40 in one work week, or 80 in a 14-day work period for Police Officers.

V. PROCEDURE:

- A. In cases where the exempt/non-exempt status of an employee is in doubt, the supervisor will review position duties and responsibilities against FLSA exemption tests, and reach a provisional decision.
- B. The Human Resources Director or Town Manager will review these decisions and make the final decision in all cases.

WAGE ADMINISTRATION PROGRAM: EXEMPT AND NON-EXEMPT

I. PURPOSE:

To maintain a program of internally and externally equitable wages.

II. SCOPE:

This policy applies to all positions, full-time, part-time and temporary.

III. POLICY AND GUIDELINES:

The Town strives to pay wages competitive with those in our community and other comparable communities, recognizing individual effort and contribution to Town success. Recommendation of wage policy is the responsibility of the Town Manager and is approved by the Town Council. Administration is handled by the Town Manager or the Human Resources Director under the supervision of the Town Manager.

IV. WAGE PROGRAM ELEMENTS:

- A. Pay Ranges. Each position in the Town except for Council appointees has been placed in a pay range which establishes the value of the position in relation to other positions in the Town.
- B. Open-Range Pay Structure. Each pay range has been assigned a minimum and maximum value for like jobs. Within this framework, an employee's wage will be related to demonstrated performance. Employees will receive a wage and subsequent wage increases that are within the applicable pay range.
 - 1. New employees will be hired in the first quartile of the appropriate pay range unless their experience, qualifications or market factors justify their placement higher within the range.
- C. Wage Review Frequency. Reviews for wage increases are conducted at least annually in accordance with the annual compensation policy. Such reviews are typically conducted concurrently with the fiscal year budget.

Wage increases are not granted automatically; they typically are a result of demonstrated performance, documented by job-related performance appraisals and/or performance management.

- D. Wage on Promotion. When an employee is promoted from one position to another position in a higher pay range, the employee will receive the minimum pay of the higher pay range or a 5% increase, whichever is greater.
- E. Wage on Transfer. When an employee transfers from one position to another position in the same pay range, the employee's wage rate shall not change.
- F. Wage on Involuntary Demotion. When an employee takes a demotion from one position to another position in a lesser pay range, the employee's pay rate shall be at the same relative position in the lesser pay range. A promoted employee who does not pass the promotional probation may be involuntarily demoted, in which case that employee will receive a pay rate equal to their pay before the promotion.
- G. Wage on Voluntary Demotion. The salary or wage of any employee subject to a voluntary demotion will be established by the Town Manager and Human Resources Director. The pay may not exceed the prior wage or salary.

HOURS OF WORK AND PAYDAYS

I. PURPOSE:

To establish the hours of employment in the Town's basic workday and workweek and to establish pay periods and paydays to administer the payment of wages, salaries and overtime.

II. SCOPE:

This policy applies to all employees of the Town.

III. POLICY AND GUIDELINES:

- A. Hours of Work. The Town follows a normal work schedule of forty hours per week, eight hours per day, for five consecutive days per week. However, some employees in some departments may work different schedules.

The work week begins at 12:01 a.m. Saturday and ends at 12:00 midnight Friday.

- B. Lunch and Rest Periods. Most Town employees receive a one-hour lunch period scheduled by department heads. Town employees may take two fifteen-minute breaks during their shifts, as work allows, with department head approval. Employees who are not scheduled for a meal break may eat at their workstation and are compensated.

- C. Paydays. The payroll week runs from Saturday of one week through Friday of the following week. Employees are paid every other Friday for all time worked through the two preceding payroll weeks.

- D. Pay Advances. An employee who is experiencing financial difficulties may request a pay advance from his or her supervisor. The employee must have worked a sufficient number of hours, or have sufficient accrued vacation hours available to equal the amount of the advance. Pay advances will be deducted from the employee's next regular scheduled pay check. Pay advance requests must be recommended by the appropriate department head and approved by the Town Manager to be paid.

OVERTIME: NON-EXEMPT EMPLOYEES

I. PURPOSE:

To provide guidelines to administer overtime pay to comply with applicable federal and state wage and hour regulations.

II. SCOPE:

This policy applies to all non-exempt Town employees.

III. POLICY:

This overtime policy conforms to overtime provisions of the Federal Fair Labor Standards Act and applicable state laws. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such exemption. At the option of the employee, overtime may be compensated by payment at one and one-half (1 1/2) times the regular rate of pay, or by compensatory time off at one and one-half (1 1/2) times the overtime hours worked. Compensatory time accrual is not to exceed 40 hours. Overtime pay policy for employees includes the following principal elements:

- A. Non-exempt employees will be compensated time and one-half their regular rate of pay for hours worked in excess of forty hours in one week.
- B. The department head must authorize overtime worked by non-exempt employees.
- C. With seven (7) days notice and approval of supervisor, paid time off for vacation, sick time, and compensatory time will be used to calculate overtime pay. Holiday, jury duty, and bereavement paid time off will also be used to calculate overtime pay.
- D. In the event of a non-exempt employee being called out on other than their regular work hours there will be a minimum of two (2) hours overtime paid.

VACATIONS

I. PURPOSE:

To provide a traditional paid-time-off benefit that will provide a restful break in the yearly work routine and support the Town's goals to attract and retain quality employees.

II. SCOPE:

This policy applies to full-time and qualified part-time Town employees.

III. POLICY AND GUIDELINES:

The Town encourages and requires each employee to take an annual vacation entitlement as paid time off away from work. The Town does not provide vacation pay unless vacation time is actually accrued and approved as actual time off from work, or upon separation.

IV. ELIGIBILITY:

- A. An employee's entitlement to earn vacation is based on the employee's hire date.
- B. Newly hired employees are eligible to take vacation accruals after six months of employment. At the completion of six months, vacation accruals will be retroactive to the date of hire.
- C. Vacation time is not earned during an unpaid leave of absence. Earning resumes upon return to active status.
- D. Unused vacation entitlement will be paid to employees upon separation provided they have successfully completed six months of employment, from the date of hire. Pay will be computed based on the hourly pay rate earned upon separation.
- E. The following schedule specifies the amount of vacation a regular full-time employee earns, based upon a 40-hour work week, for a corresponding period of continuous service:

Length of Service Completed	Hours per pay period	Equivalent hours per year
Less than two years	3.077	80
Two to five years	4.615	120
Five to ten years	5.539	144
Over ten years	6.154	160

- F. Qualified employees, who are regularly scheduled and work between 20 hours and 39 hours per week are entitled to a pro-rated benefit. Hourly pro-rated vacation accruals are calculated by taking the percentage of hours worked from a 40-hour work week and multiplying it by the applicable per pay period accrual rate.

V. SCHEDULING:

- A. Vacations may be taken by separate weeks, by days, or by half days. The Town prefers, however, that employees take one vacation period of at least one consecutive week, annually.
- B. **ON OR BEFORE DECEMBER 31, 2020:** The maximum vacation accrual shall be 320 hours, calculated at December 31st of the year. An employee may accrue more than 320 hours during the year, but s/he shall reduce the vacation accrual to no more than 320 hours by December 31st. Vacation hours accrued in excess of 320 on December 31st shall be eliminated from the books unless the employee has made prior arrangements with his or her supervisor to take such vacation hours by June 30th of the following year. The Human Resources Department shall notify all employees of their accrued vacation hours as of October 31st of each year so that employees and supervisors may plan vacations to comply with the 320 hour December 31st maximum vacation accrual.

ON OR AFTER JANUARY 1, 2021: Once an employee accrues 320 hours in their vacation bank, accruals will cease until the hours are reduced to a level where they can begin accruing vacation time again.

- C. If a Town-paid holiday falls during an employee's vacation, the holiday will not be counted as vacation taken.
- D. Each department shall maintain a vacation schedule and approved vacation time taken by each employee.
- E. Vacation periods must be scheduled and approved by the employee's supervisor before becoming effective.

VI. ANNUAL VACATION PAYOUT

- A. Every fiscal year any employee who meets the following criteria will be eligible to request 40 hours of vacation time paid at their current hourly rate of pay in conjunction with 40 concurrent hours of vacation time taken. Payouts will be treated as normal income and subject to normal taxes and approved deductions.
 - a. Employee must be employed with the Town for a minimum of five consecutive years.
 - b. Employee must have a minimum balance of 300 vacation hours.
 - c. Employee must have already taken a minimum of 40 vacation hours in the current fiscal year.
- B. Employees who meet the above listed criteria can request one Annual Vacation Payout, through an Annual Vacation Payout Form, between July 1st and June 30th of every fiscal year, and must take their vacation time-off in the same fiscal year in which they made the request.
- C. Annual Vacation Payouts will be paid in the pay period that falls during the actual vacation time taken or the closest pay period following the actual vacation time taken under this policy.

CONTRIBUTION OF VACATION AND SICK LEAVE

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for the contribution and transfer of vacation and sick leave accrued under Policy 700 and 715 of this Manual.

II. POLICY AND GUIDELINES:

It is the policy of the Town of Chino Valley that one employee may donate vacation and/or sick leave to another employee who has a non-job related, seriously incapacitating and extended illness or injury provided that the recipient employee has exhausted all appropriate leave balances.

Information regarding an employee's need for donation of vacation and/or sick leave may be circulated by the Human Resources Department, in compliance with Arizona and federal law. Qualifying requests are limited to notifying staff of the need for donations and should refer prospective donors to the Human Resources Department. Donations are completely voluntary and there shall be no suggestion of pressure on employees to donate leave.

III. RESPONSIBILITY:

The Human Resources Director shall approve all transfers of vacation and or sick leave.

IV. ELIGIBILITY:

- A. Donors and recipients must be eligible to accrue and use vacation and sick leave.
- B. Donors and recipients must be Town of Chino Valley employees.
- C. Donors must at all times reserve at least 40 hours of vacation leave for their own use and no donation may be made if the donor will have less than 40 hours left for his or her own use.
- D. An illness or injury must be considered seriously incapacitating and extended, as verified by a Medical Statement.

If the recipient is the one with the seriously incapacitating illness or injury, the condition must be non-job related and the employee must have exhausted all sick,

personal and vacation leave, as well as compensatory time earned. The condition must also qualify under the guidelines set forth in the Family Medical Leave Act (FMLA). Employees who do not meet the FMLA length and/or hours of service requirements may receive an exemption if they meet all the other eligibility requirements under this Act.

- E. If an immediate family member is the one with a seriously incapacitating illness or injury and the receiving employee is a primary caregiver of the immediate family member, the receiving employee must have used all sick, personal, and vacation leave, as well as compensatory time earned. The condition of the family member must also meet the guidelines for qualifying reasons as set forth in the FMLA.

V. DEFINITIONS:

“Donor” means an employee who is eligible to donate leave to another individual and does so in writing.

“Employee” means any employee eligible to accrue leave.

“Extended” means a period of two or more weeks of absence from the job.

“Immediate Family Member” means the employee’s spouse, child or parent for whom the employee requesting leave is a primary caregiver.

“Medical Statement” means a written document, on appropriate letterhead, which reflects a full diagnosis of the illness or injury and a prognosis, including anticipated date of recovery executed by a licensed health care practitioner qualified to make such a diagnosis and prognosis.

“Recipient” means an employee who is eligible to receive donations of vacation and/or sick leave by meeting the criteria set forth in this Policy.

“Seriously Incapacitating” means any illness or injury which confines the employee or immediate family member to home or bed or otherwise renders the person unable to care for himself or herself for an extended period of time.

VI. APPLICATION PROCEDURE:

- A. The employee, or the employee's representative, wishing to receive donated leave shall send a donation request to the Human Resources Department stating the reason for the request and providing all information necessary for the Department to determine eligibility.

The Human Resources Department shall review the request and determine the employee's eligibility based upon the criteria outlined in this policy and the information provided by the employee.

1. The Human Resources Department shall determine whether, based upon the information provided, the request for donations has been granted and shall inform the employee of the determination.
2. Following determination of eligibility, the Human Resources Department shall notify staff that a request for donation of leave time has been approved and that voluntary donations will be accepted from employees.

VII. DONATION PROCEDURE:

- A. Town of Chino Valley employee may contribute one or more hours of vacation and/or sick leave to another Town of Chino Valley employee who has been authorized to receive donations.
- B. An employee may donate vacation time at a rate of 100%, processed on a proportional basis, calculated as set forth below in Section VIII.D.
- C. An employee may donate sick time only if the employee has accumulated more than 192 hours. Sick time donations will be at a rate of 50%, processed on a proportional basis, calculated as set forth below in Section VII.D.

VIII. GENERAL PROCEDURES:

- A. The Human Resources Department shall coordinate with the Finance Department in tracking and processing all donations.
- B. Once the need for leave has been approved, an employee who then receives a partial medical release to return to work may continue to receive donations until

the employee receives a full medical release from a licensed health care practitioner, qualified to provide such a release.

- C. All documents and donations shall be processed through the HRIS and payroll systems. All donations will be processed on a proportional basis and any unused donations shall be returned to the donor(s). The Human Resources and Finance Department shall maintain an adequate audit trail of all leave donated, distributed, used and returned.
- D. The dollar value of leave donations will be adjusted proportionately in relation to the salary of the employee donating leave.

Example 1: A donor donates two (2) vacation hours at \$20.00/hour to a recipient at \$10.00/hour. The recipient would receive four (4) vacation hours ($\$20.00 \times 2 \text{ hours} = \$40.00 / \$10.00 = 4 \text{ hours}$).

Example 2: A donor donates two (2) sick hours at \$20.00/hour to a recipient at \$10.00/hour. The recipient would receive two (2) sick hours ($\$20.00 \times 2 \text{ hours} \times 50\% = \$20.00 / \$10.00 = 2 \text{ hours}$).

HOLIDAYS

I. PURPOSE:

To provide a competitive paid-time-off benefit to recognize traditional holidays.

II. SCOPE:

This policy applies to full-time and qualified part-time Town employees.

III. POLICY AND GUIDELINES:

Regular, full-time and qualified part-time employees shall be allowed time off with pay for any holiday adopted by the Town Council, unless the employee is required by a department to work in order to maintain essential Town services. Employees are paid 8 hours of regular pay for all Town approved holidays. All non-exempt employees **required to work on an actual holiday** shall be paid for the actual holiday hours worked at the rate of one and one half (1 1/2) times regular pay, in addition to being paid the 8 hours of regular holiday pay.

- A. A schedule of approved holidays to be observed during the calendar year will be published in December of the preceding year by the Human Resources Department. The Town observes the following holidays:

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25 th

- B. Town-paid holidays which fall on Saturday will be observed the preceding Friday; paid holidays which fall on Sunday will be observed the following Monday.

- C. If a Town-paid holiday falls during an employee's scheduled vacation, the holiday will not be counted as part of the vacation leave taken.
- D. An employee who separates or commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay.
- E. Qualified part-time employees are entitled to one-half (1/2) of this benefit.

EARNED PAID SICK LEAVE

- II. **PURPOSE:** Provide income protection for employees who, for the reasons set forth in this Policy, are absent from work.
- II. **SCOPE:** This policy applies to all employees, including temporary and seasonal employees.
- III. **POLICY AND GUIDELINES:**
 - A. **Definitions:** For purposes of this policy the following definitions apply.
 - 1. *Abuse:* An offense prescribed in Section 13-3626, Arizona Revised Statutes.
 - 2. *Domestic Violence:* As defined in Section 13-3601, Arizona Revised Statutes.
 - 3. *Earned Paid Sick Leave:* Time away from work taken by an employee using accrued Earned Paid Sick Time.
 - 4. *Earned Paid Sick Time (“EPST”):* Time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in A.R.S. § 23-373 and this Policy No. 715. In no case shall this hourly amount be less than that provided under the Fair Labor Standards Act of 1938 (29 United States Code Section 206(a)(1)) or A.R.S. § 23-363.
 - 5. *Family Member:*
 - a. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor;
 - b. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee’s spouse or domestic partner or a

person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child;

- c. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
 - d. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
 - e. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
6. *Sexual Violence*: An offense prescribed in: (a) Title 13, Chapter 14, Arizona Revised Statutes, except for Sections 13-1408 and 13-1422; or (b) Sections 13-1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552, 13-3553, 13-3554, or 13-3560, Arizona Revised Statutes.
 7. *Stalking*: An offense prescribed in Section 13-2923, Arizona Revised Statutes.
 8. *Year*: A regular and consecutive 12-month period beginning with the date of hire for the individual employee.

B. Accrual of Earned Paid Sick Time:

1. An employee regularly scheduled to work between 20 and 40 hours per week shall accrue EPST at a rate of .0462 hours for every hour worked, not to exceed 96 hours of EPST per year.
2. An employee who works fewer than 20 hours per week shall accrue EPST at a rate of .0334 for every hour worked, not to exceed 40 hours per year.
3. EPST shall begin to accrue at the commencement of employment.
4. Unused EPST shall be carried over to the following year, but shall not exceed 96 hours for employees regularly scheduled to work between 20 and 40 hours per week and 40 hours for all other employees.

5. If an employee voluntarily terminates employment, he shall not be compensated for the first 192 hours of unused EPST but shall receive compensation at the rate of 25% of his current hourly wage for accrued EPST over 192 hours. Employees who are terminated for cause by the Town shall forfeit accrued EPST, and shall not be compensated for any accrued EPST.
 6. Any employee rehired by the Town within nine (9) months of separation of employment with the Town shall have all accrued, unused EPST at the time of his separation reinstated and may use the balance immediately upon rehire. For purposes of this section, EPST hours compensated at separation of employment shall be considered “used”.
- C. Use of Earned Paid Sick Time: EPST Leave may be taken for a variety of uses, as set forth in Arizona Revised Statutes, § 23-373, including:
1. The employee’s: (a) mental or physical illness, injury or health condition; (b) need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or (c) need for preventive medical care;
 2. Care of a family member: (a) suffering from a mental or physical illness, injury or health condition; (b) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or (c) who needs preventive medical care;
 3. Closure of the employee’s place of business by order of a public official due to a public health emergency or an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or family member’s presence in the community may jeopardize the health of others because of his exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
 4. Absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee’s family member:

- a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
 - b. Services from a domestic violence or sexual violence program or victim services organization;
 - c. Psychological or other counseling;
 - d. Relocation or taking steps to secure an existing home due to domestic violence, sexual violence, abuse or stalking; or
 - e. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.
5. Employees shall make a reasonable effort to schedule routine doctor and dental appointments in a manner that is least disruptive to Town operations. An employee may be requested by the Town to provide documentation of health care practitioner appointments. An employee who is on sick leave shall not engage in any gainful employment with any other employer.
 6. EPST is available for use by the employee as it is accrued, but must be accrued before it can be used. Part-day absences shall be rounded up to the nearest quarter hour for calculation of how many hours have been used. EPST shall not be used to supplement an employee's hours to exceed the number of hours he is normally scheduled to work each work week.
 7. EPST shall be paid only for periods when the employee would normally be scheduled to work.
 8. EPST may be taken in increments of one-quarter (1/4) hour.
 9. If an employee is entitled to benefits or payments under worker's compensation or disability coverage, the Town shall pay the difference between the worker's compensation or disability benefits or payments received by the employee and the employee's regular rate of compensation. The foregoing payment shall be taken from the employee's accrued EPST balance until the EPST time is exhausted. It will then be taken from the employee's accumulated vacation or compensation accruals. When all paid leave has been exhausted, the employee shall

have leave without pay until such time as the job is declared vacant pursuant to Policy No. 1115.

10. An employee off work with a sickness or injury and who receives funds from worker's compensation or disability coverage as provided above, and wishes to use EPST and other leave accruals should contact the Human Resources Department to establish the amount of accruals to be used.

D. Abuse of EPST Leave: Taking EPST Leave under false pretenses is a violation of trust essential to the employer/employee relationship and is subject to disciplinary action, up to and including dismissal.

E. Notice Requirements:

1. An employee who knows in advance that he will be absent using EPST shall give his supervisor advance notice in writing, including the probable start date and duration of the absence. If a sudden illness or other emergency situation requiring use of EPST makes it impossible for an employee to request EPST leave before the workday begins, he should notify his Supervisor within one (1) hour of the start of the workday or make other arrangements acceptable to the Supervisor. Absence without notice is grounds for disciplinary action, up to and including dismissal.
2. While on EPST Leave, the employee shall notify his supervisor within one (1) hour of the start of each workday that he will not be coming to work and shall make every effort to advise the supervisor of his expected date of return to work.
3. Before an absence may be charged against his accrued EPST, the employee shall complete a Request for Leave and have it authorized by his supervisor or Department Head prior to the end of his first day of return from EPST leave.

F. Proof of Need for Absence: An employee absent for three (3) or more consecutive days shall provide reasonable documentation that the EPST has been used for a purpose covered under Section C Use of EPST Leave.

1. In case of absence for health-related reasons, a note from a health care practitioner certifying that the employee was unable to work for health reasons shall be considered reasonable. Department Heads also may require proof of illness for absences of less than three days in cases where an employee has compiled a poor attendance record or exhibited a pattern of absences or is absent directly before or after a holiday, vacation, or compensatory time off.

2. In cases of an absence due to domestic violence, sexual violence, abuse or stalking, one the following types of documentation shall be considered reasonable documentation:
 - a. Police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual violence, abuse or stalking;
 - b. A protective order; injunction against harassment; a general court order; or other evidence from a court or prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual violence, abuse or stalking;
 - c. A signed statement from a domestic violence or sexual violence program or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual violence, abuse or stalking;
 - d. A signed statement from a witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization;
 - e. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking; or
 - f. An employee's written statement affirming that the employee or the employee's family member is a victim of domestic violence, sexual violence, abuse or stalking, and that the leave was taken for one of the purposes under Subsection C Use of EPST Leave, above. The written statement does not need to be in an affidavit format or notarized, but shall be legible if handwritten and shall reasonably make clear the employee's identity, and if applicable, the employee's relationship to the family member.
3. Any documentation provided is not required to explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.

4. If an employee is absent from work for health reasons for a period of more than three calendar days, he may be required to submit a written release, without restrictions, or with restrictions, if a light duty position is available, from a qualified physician prior to returning to work.
 5. An employee who is absent and uses EPST for any part of the last scheduled day before or first scheduled day back from vacation, holiday, or personal day, shall provide reasonable documentation that the EPST has been used for a purpose covered under Subsection C Use of EPST Leave.
- F. Conversion of Sick Time to Vacation Time. On December 31st of each calendar year, an employee who has accrued sick leave in excess of 192 hours may convert to vacation time an amount equal to 25% of unused EPST hours accrued during the calendar year, provided that after such conversion the employee shall have a minimum of 192 hours of EPST available for his use and no more than 320 hours of vacation time accrued.

**LEAVE FOR JURY OR WITNESS DUTY, VOTING, SERVICE IN THE MILITARY,
OR TO EXERCISE VICTIM'S RIGHTS**

I. PURPOSE:

To provide a means for employees to secure limited time off from work when such time is needed for jury duty, subpoenaed witness service, voting or military service.

III. SCOPE:

This policy applies to all employees of the Town including probationary employees.

IV. POLICY:

The Town's policy regarding leave for jury duty, voting and military leave is as follows:

A. Jury Duty Leave.

Employees of the Town who are summoned or called for jury duty will be granted paid time off upon proof that they were summoned for and appeared at jury duty. If an employee is summoned or called for examination or service as a juror, he or she must immediately inform their immediate supervisor of same so they can be excused from work for the necessary time. During jury duty service or examination the employee shall receive the full pay and benefits to which he or she would normally be entitled had they been at work, during the time they are absent for such duty. The employee shall remit any fees received for serving on jury duty to the Town during the period in which they are receiving full pay and benefits from the Town, but the employee is not required to remit to the Town any compensation received for reimbursement for travel.

B. Leave for a Subpoenaed Absence.

An employee who is subpoenaed or required to appear in court as a witness shall immediately inform their immediate supervisor of same so they can be excused from work for the necessary time. The employee shall receive full pay and benefits during the period of their absence for such service. Employees are not entitled to be paid for time spent in court for personal matters; however, vacation, deferred overtime, annual leave, or unpaid personal time off work may be used for such a matter.

C. Time Off to Vote.

Employees who lack sufficient time outside of work hours to vote in local, state and/or national elections may take up to two (2) hours off work with pay to vote in any such elections.

D. Military Leave.

In accordance with Federal and State law, employees who are members of the National Guard or United States Military may take leaves of absence from their employment for the purpose of complying with orders for active duty or to attend military drills. The Town will grant an official leave of absence to any such employee, without pay, if such a leave of absence is necessary to fulfill such a military obligation, and in such an event the employee will be reemployed/ reinstated upon their discharge from the military obligation, at the same rate of pay and without loss of any seniority or benefits.

An employee requiring or requesting such leave shall submit a written request to the Town Manager. The Town Manager shall then set forth the approval in writing. Upon expiration of an approved leave, the employee shall be reinstated in the position he or she held at the time the leave was granted, if it is then still available, or into an equivalent position if available. During the leave the position may be filled by a temporary employee. Failure on the part of the employee on military leave to report to his or her immediate supervisor at the expiration of the leave may be grounds for termination. Additionally, after thirty (30) consecutive days of the leave of absence, the employee shall be responsible for paying the entire cost of his or her group health insurance coverage as well as that of his or her dependents.

E. Victim Leave. An employee who is a victim of a juvenile or criminal offense may, in accordance with state statute, leave work to exercise the employee's right to be present at a juvenile proceeding or criminal proceeding as those terms are defined in A.R.S. § 8-382 and §13-4401. The right to leave work for such matters, as well as the circumstances under which the right to leave work may be employed, are set forth in Article 7 of Arizona Revised Statutes regarding Victim's Rights for Juvenile Offenses and Article 13 of Arizona Revised Statutes regarding Crime Victim's Rights.

Pursuant to the cited statutes, any such employee who exercises such rights shall not lose seniority or precedence while absent from employment pursuant to these statutes, provided the employee complies with the following requirements:

1. The employee shall provide the Human Resources Director with a copy of the form provided to the employee by the law enforcement agency pursuant to the Victim's Rights Statute.
2. If applicable, give the Human Resources Director a copy of the notice of each scheduled proceeding that the employee has the right to attend under state law, intends to attend, and that is provided to the victim by the agency responsible for providing notice to the victim. The Town will not refuse to hire or employ, bar or discharge from employment, or discriminate against any such victim-employee in compensation or other terms, conditions or privileges of employment because the individual leaves work pursuant to the aforementioned statutes or this policy.

BEREAVEMENT LEAVE

I. PURPOSE:

To provide the means for employees to have limited time off from work in the event of the death of a family member.

II. SCOPE:

This applies to all Town employees.

III. POLICY:

When an employee is absent by reason of the death of a member of the immediate family, such employee shall be entitled to three (3) days of bereavement leave with pay. Immediate family is defined as: spouse, daughter, son, mother, father, sister, brother, granddaughter, grandson, grandmother, grandfather, step family members, corresponding relatives of the employee's spouse and relatives by court order.

The employee may take up to 16 hours family leave, in addition to bereavement leave, if extra time is required, providing the accrued sick leave is available. These hours will count toward the 48 hours available each year for family sick leave (see Sick Leave Policy No. 715).

UNPAID PERSONAL TIME OFF

I. PURPOSE:

To provide a means for employees to secure limited time off when such time is needed for important personal reasons.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY AND GUIDELINES:

The Town may grant to regular employees unpaid time off for substantial personal reasons, provided such time off does not materially affect the normal conduct of the business.

- A. Duration. The duration of personal time off ranges from a few hours to five days. Beyond five days, a leave of absence will be used.
- B. Conditions. In considering an employee's request for personal time off, the seriousness of the matter prompting the request will be taken into consideration by the department head or Town Manager. Such requests should be in response to serious personal needs rather than for occasional time off to rest or relax. Employees must make an effort to schedule ordinary personal and business affairs outside working hours.
 - 1. Examples of needs considered to be reasonable uses of unpaid personal time off include: extensive legal affairs, a medical emergency in family, a funeral of a friend or relative, and a medical appointment for a child.
 - 2. Examples of matters which are not considered to be reasonable uses of unpaid personal time off include: chronic automobile trouble, non-emergency financial problems, visiting relatives, other employment (moonlighting), and seeking employment outside the Town.

IV. PROCEDURE:

- A. The requesting employee's performance record and previously granted time off will be taken into consideration by the department head or Town Manager before granting a time off request.
- B. When the need for absence from work is known in advance, the employee must notify the department head or Town Manager immediately.
- C. Employees will continue to be covered under all insured benefit plans while they are on approved personal time off.
- D. Supervisors will record unpaid personal time off on the employee's timecard using the absence code UPL.

LEAVES OF ABSENCE WITHOUT PAY

I. PURPOSE:

To enable employees to receive extended time away from work to handle compelling personal business.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY AND GUIDELINES:

The Town Manager may grant an employee leave of absence without pay for a period not to exceed six (6) months providing:

- A. The employee shall make a written request for the leave. The approval shall be in writing.
- B. Upon expiration of an approved leave, the employee shall be reinstated in the position held at the time leave was granted.
- C. The position may be filled in the interim by a temporary employee.
- D. Failure on the part of an employee on leave to report at the expiration of the leave of absence may be cause for dismissal.
- E. No loss of service credit with the Town will occur as a result of the leave of absence, but no benefit credit will accrue toward vacation and sick leave entitlement for the duration of the leave.
- F. After 30 consecutive days of leave of absence, the employee will be responsible for paying the entire cost of his or her group health insurance coverage and that of his or her dependents.

FAMILY AND MEDICAL LEAVE

I. PURPOSE:

To comply with the Family and Medical Leave Act of 1993 (FMLA) and enable employees to receive time away from work without pay for limited periods to attend certain specified family needs with job protection and no loss of accumulated service. To accomplish these purposes, this guideline establishes the rights and obligations of the Town and its employees with respect to any leave of absence necessary for the medical care of employees and their families.

II. SCOPE:

This policy applies to all employees who have been employed by the Town for at least twelve (12) months and have been employed by the Town for at least one thousand two hundred fifty (1,250) hours during the twelve month period immediately preceding the commencement of the family and medical leave. Exempt employees are presumed to have met the 1,250 hours of service requirement for eligibility if they have worked for the Town for at least twelve (12) months.

Under the FMLA, eligible employees may take up to twelve (12) work weeks of unpaid leave within a twelve month period, under the conditions set forth below, to take care of certain family and medical matters. The FMLA also permits eligible employees to maintain health insurance coverage while on such leave and to return to the same or equivalent position at the end of the leave.

III. POLICY AND GUIDELINES:

Eligible employees may be granted up to twelve (12) weeks of unpaid leave within a twelve month period to take care of any of the following manners:

1. For the birth and care of a newborn child of the employee or for the placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child or parent who has a serious health condition; and
3. For a serious health condition which prevents the employee from being able to perform the essential functions of his or her job.

Employees are required to use any accrued paid leave prior to taking an unpaid Family and Medical Leave. The reason the family and medical leave is being taken (family or medical) will determine what type of paid leave will be used.

Eligible employees of the Town taking a family and medical leave must pay the cost of his or her group health and welfare insurance coverage as well as that of his or her dependents at the same rate as if the employee were working. Upon the employee's return from such leave, the Town will make an effort to place the employee in his or her former position, if it is then available, or in an equivalent position then available at the same rate of pay; however, this does not guarantee that the employee will be employed upon return if his or her medical restrictions and/or injuries so restrict and hamper the employee that he or she cannot perform the essential functions of the former job or equivalent position then available, either with or without reasonable accommodation.

IV. DEFINITIONS:

- A. Child. A biological, adopted, or foster child, stepchild or legal ward of the person having day-to-day care for the child. It may also include a son or daughter who is eighteen (18) or more years of age if he or she is incapable of self-care due to a physical or mental disability.
- B. Parent. A biological parent or individual that is responsible for the day-to-day care of a child. Parent-in-laws are not included in this term.
- C. Spouse. A husband or wife as defined under state law; unmarried domestic partners do not qualify for family leave to care for their partners.

V. ADVANCE APPLICATION AND NOTICE REQUIREMENTS:

- A. A Leave of Absence Request form must be completed by the employee requesting a family and medical leave of absence and submitted to the employee's supervisor at least thirty (30) days prior to commencement of the leave if the leave is foreseeable. If the leave is not foreseeable (*i.e.*, is unexpected), the employee should notify the Town within one or two business days after learning of the need for the leave. The Notice of the need for the leave must specify the reason for the leave as well as the anticipated duration of the leave.

- B. It is not necessary for the employee to specifically request leave as FMLA qualifying, as long as the requisite qualifying conditions are met and the Town has sufficient information to designate the leave as a family and medical leave.
- C. When the Town designates a leave as a family and medical leave to be counted to the 12-week unpaid leave entitlement under the FMLA, it must notify the employee of such designation immediately.
- D. When the leave is to care for a sick child, parent or spouse, the requesting employee must submit a letter signed by a physician that states: (a) the date the illness or condition began; (b) the probable duration of the condition; (c) the estimated time the employee will need to care for the family member; and (d) a statement that the illness or condition requires the participation of a family member.
- E. When the leave is for planned medical treatment, the employee must attempt where possible to schedule the treatment so as not to disrupt Town operations.
- F. When the leave is for the employee, the employee must submit a letter signed by a physician that the employee is unable to perform the functions of his or her position. If the employee is requested to submit a Certification by Physician or Practitioner Statement, the form should be completed and returned to his or her supervisor within two (2) weeks. The detailed medical certification requirements for qualification under the FMLA are discussed in the medical certification/eligibility section set forth below.

VI. QUALIFYING CIRCUMSTANCES:

Under the guidelines of the FMLA, the Town is required to grant leave to eligible employees provided the qualifying circumstances are present and documented. Each of these circumstances or events has certain qualifying definitions, conditions and guidelines, which must be considered in order to determine eligibility under the FMLA. Employees will be required to use certain types of paid leave prior to unpaid family and medical leave depending on the reason leave is being taken, and the paid leave used will be deducted from the balance of the family and medical leave entitlement.

The qualifying circumstances for the various family and medical leave which may be taken are as follows:

A. For The Birth And Care Of a New Born Child, Or the Placement of a Child for Adoption or Foster Care.

The right to take a family and medical leave under the FMLA and the Town's policy applies equally to male and female employees; a father or mother may take a family leave for the birth and care of a new born child or the placement of a child for adoption or foster care. Absent unusual circumstances, the birth or placement of a child will initiate the commencement of the 12-week leave. Entitlement to take such leave expires at the end of the 12-month period following the birth or placement.

Male or female employees may use accrued sick leave for the birth or adoption or placement of a child for foster care. Accrued sick and vacation leave must be used before unpaid leave under the FMLA is used, and will be deducted from the 12-work week entitlement.

B. To Care for the Employee's Spouse, Child or Parent with a Serious Health Condition.

Employees taking such leaves will be required to use accrued sick leave and vacation leave prior to taking an unpaid leave under this subsection, and the paid leave used will be deducted from the balance of the 12-work week entitlement.

C. For A Serious Health Condition Which Prevents The Employee From Being Able To Perform The Essential Functions Of His Or Her Job.

Employees taking a medical leave under this subsection will be required to use accrued sick leave and paid vacation leave prior to the unpaid leave under the FMLA and this policy, and the paid leave taken will be deducted from the balance of the 12-work week entitlement.

VII. MEDICAL CERTIFICATION/ELIGIBILITY REQUIREMENTS:

An employee is considered unable to perform the essential functions of the job due to a serious health condition, and thus entitled to take a family and medical leave of absence, when a healthcare provider finds the employee to be unable to work at all or unable to perform the essential functions of his or her job within the meaning of the Americans with Disabilities Act (ADA) and its regulations. The Town may provide the healthcare provider with a statement of the essential functions of the employee's job for the provider to review during the certification process.

An employee is considered to be needed to care for a family member if a healthcare provider finds the employee to be needed by the family member to provide physical and/or psychological care due to the family member's inability to care for their own basic medical, hygienic, nutritional or safety needs, or is unable to transport themselves to the doctor.

The Town may require the employee to provide a completed Healthcare Provider's Certificate form. The certificate form, if required, should include the diagnosis of the serious health condition, the date the condition commenced, the probable duration of the condition, a brief statement outlining the course of care that will be followed, whether hospitalization will be required, and a statement as to whether the employee is unable to work or unable to perform the essential functions of his or her job or how or why the employee is needed to provide care to a family member.

In the event the Town has reason to doubt the validity of a medical certification under this policy, the Town may require the employee to obtain a second opinion at the Town's expense; the Town may designate the healthcare provider furnishing the second opinion or certification, but it may not be a provider regularly utilized by the Town.

VIII. RETURN TO WORK:

An employee who returns to work for at least 30 calendar days after a family and medical leave is considered to have returned to work. Should the employee fail to return to work after such a leave, the Town is entitled to recover any group health insurance or welfare benefit premiums paid by the Town during the leave period.

An employee may be required to provide medical certification from his or her healthcare provider attesting that they are able to resume work.

Upon the employee's return to work, the Town will attempt to reinstate the employee in his or her prior position if it is then available, or will transfer the employee to an available alternative position for which the employee is qualified with equivalent pay and benefits (but not necessarily equivalent duties). Employees are entitled to return to a similar job classification, with the same pay and benefits as that which they had when they went out on the family and medical leave.

Employees on leave must notify their supervisor at least two (2) weeks prior to end of leave to inform the Town of availability to return to work. Additionally, any employee's failure to return from such a leave, or failure to contact his or her immediate supervisor or Town Manager upon the scheduled date of return, will be considered a voluntary resignation by the employee.

EDUCATION ASSISTANCE PROGRAM

I. PURPOSE:

To help employees obtain additional education to increase their competence in present jobs and to prepare for advancement within the Town.

II. SCOPE:

This policy applies to regular, full-time and part-time employees.

III. POLICY:

The Town may advance or reimburse the cost of tuition, enrollment fees, and books for courses which employees take at a recognized institution. These courses must, in the opinion of management, increase employee's competence in their present jobs or prepare them for advancement in the Town.

An employee must be employed with the Town when the course is completed in order to qualify for reimbursement.

Class attendance and completion of study assignments must be accomplished outside of the employee's regular working hours. Unsatisfactory job performance during enrollment may result in forfeiture of educational reimbursement and corrective action.

Records of educational programs completed by each employee will be maintained by the Personnel Department.

IV. PROCEDURE:

- A. An employee must submit a written request for education advancement or reimbursement to his or her department head, who will request approval from the Town Manager prior to enrolling.

- B. Educational assistance may be approved to attend classes at Universities, Colleges or Vocational Schools, or to enable an employee to receive some form of certification required by law or desired by the Town. The Town will advance or reimburse the employee for expenses incurred for approved courses or costs of receiving a certification approved by the Town up to \$600.00 during any six (6) month period.
- C. The supervisor should retain a copy of the employee's request for education reimbursement until the employee has completed or otherwise ended the course.
- D. Employees must receive a grade of C or P or better to be reimbursed.
- E. The supervisor should obtain and submit to the Town Manager receipts for tuition, enrollment fees and books, mileage and the employee's official school grade report for reimbursement.
- F. The Town Manager retains ultimate discretion to approve requests and specific items sought to be advanced or reimbursed.
- G. If an employee who has received any of the advancements or reimbursements referenced above leaves his or her employment with the Town within six (6) months of completion of the course or certification, he or she shall repay any such monies to the Town.

INSURANCE PROGRAMS

I. **PURPOSE:**

To summarize group insurance and other insurance programs the Town offers.

II. **SCOPE:**

This policy applies to eligible Town employees.

III. **POLICY:**

- A. Health and Medical Insurance. Group health benefits and group life insurance are provided to eligible Town employees through plans approved by the Town Council. Further information on these benefits and any other benefits are available from the Town under separate cover.
- B. Retirement System. Eligible Town employees participate in the retirement systems as provided for by the Town Council.

HEALTH INSURANCE

Once an employee successfully completes the eligibility period and continues to be employed on a full time basis, the Town will pay the full cost of health insurance coverage for the employee. The Town has a group health insurance plan (hereinafter the plan) which provides certain group health benefits to full time employees who have successfully completed the eligibility period, with employees having the option of adding dependent coverage. Those employees wishing to add dependents will pay for the coverage through payroll deduction. The insurance carrier determines the amount of this deduction, and the Town does not charge for processing.

All health insurance coverage starts the first day of the following calendar month once the employee becomes eligible. Dependent coverage cannot change except during the annual open enrollment period and in the case of newborn children, adopted children, marriage, divorce, or death. In the latter case, they must be added or deleted within 30 days of said event.

CONTINUATION COVERAGE

A law known as the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) requires that certain employee health plans provide continuation health coverage to certain individuals under particular circumstances. This notice is intended to inform the employee of his or her rights and obligations under the continuation coverage provisions of COBRA. Both the employee and the employee's spouse, if applicable, should take time to read this notice carefully. **BE ADVISED THAT THE FOLLOWING INFORMATION DOES NOT CREATE, NOR IS IT INTENDED TO CREATE, ANY CONTRACTUAL, LEGAL OR OTHER RIGHTS OR OBLIGATIONS. RATHER, THE EMPLOYEE'S RIGHTS ARE ONLY AS EXPRESSLY SET FORTH IN THE PLAN AND UNDER FEDERAL AND/OR STATE LAW.**

If the employee is covered by the plan, the employee has a right to choose continuation coverage if the employee loses his or her group insurance coverage under the plan because of his or her entitlement to benefits under Medicare *or* because of a reduction in the number of hours of his or her employment or the termination of his or her employment for reasons other than gross misconduct on the employee's part.

The spouse of an employee covered by the plan shall have the right to choose continuation coverage if such spouse loses group insurance coverage under the plan for any of the following reasons:

1. The death of a covered employee;
2. The termination of the covered employee's employment (other than by reason of such employee's gross misconduct) or reduction of the number of hours of the covered employee's employment;
3. The divorce or legal separation of the covered employee from the employee's spouse; or
4. A covered employee's entitlement to benefits under Medicare.

Additionally, in the case of a dependent child of a covered employee under the plan, he or she has the right to continue coverage if group insurance coverage under the plan is lost for any of the following reasons:

1. The death of a covered employee;
2. The termination of the covered employee's employment (other than by reason of the covered employee's gross misconduct) or reduction of hours of the covered employee's employment;
3. The divorce or legal separation of the covered employee from the employee's spouse;
4. A covered employee's entitlement of benefits under Medicare; or
5. The dependent ceases to be a dependent child under the plan.

A qualified beneficiary under COBRA is an individual entitled to elect continuation coverage because a qualifying event has occurred. To be a qualified beneficiary, an individual must be participating in the plan on the day before the qualifying event occurs. However, under some circumstances, new spouses and children born after a qualifying event occurs may be eligible to participate in the plan.

COBRA imposes several notice requirements on employers' plan administrators and participants. Under the law, a qualified beneficiary has the responsibility to inform the Town when they obtain a divorce or legal separation, when a dependent child ceases to be a dependent under the terms of the plan, and/or when a covered employee has become entitled to benefits under Medicare. This notice must be provided within sixty (60) days after the date of these qualifying events.

COBRA only requires the Town to offer qualified beneficiaries the opportunity to obtain continuation coverage under certain circumstances. That opportunity is lost if the qualified beneficiary fails to make a timely election.

The election period for determining whether or not to select continuation coverage begins no later than the date on which coverage terminates under the plan by reason of one of the qualifying events described above and the election period must be of at least sixty (60) days duration. If all requirements have been satisfied, the Town will allow each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event to elect continuation coverage under the terms of the plan, subject to the beneficiary's payment of the required premium. The qualified beneficiary is required to pay the premium for continuation coverage.

COBRA rights arise only if group insurance coverage under the plan is lost due to a qualifying event. The maximum period a qualified beneficiary is allowed to extend coverage under COBRA varies depending on the particular qualifying event, but it is generally a period of eighteen (18) or thirty-six (36) months.

As a general rule, COBRA enables qualified individuals to continue the same health/medical coverage which they were receiving immediately before the qualifying event occurred. However, continuation coverage may be cut short for any of the following reasons:

1. The Town no longer provides group health coverage to its employees;
2. The qualified beneficiary fails to pay premiums;
3. The qualified beneficiary obtains coverage under another group health plan that does not exclude pre-existing conditions of the qualified beneficiary; or
4. The qualified beneficiary enrolls in Medicare.

This COBRA notice is simply provided to the employee for informational purposes. The Town reserves the right to amend and/or change the plan as permitted by the terms of the plan. **THIS NOTICE IS NOT INTENDED TO REFLECT ALL OF THE RIGHTS AND REQUIREMENTS OF EITHER THE EMPLOYEE OR THE TOWN. THEREFORE, IF THE EMPLOYEE HAS ANY QUESTIONS OR CONCERNS, NOTIFY THE TOWN IMMEDIATELY AND THE TOWN WILL EITHER ANSWER THE EMPLOYEE'S QUESTIONS OR DIRECT THE EMPLOYEE TO SOMEONE WHO CAN.**

DISCIPLINE

I. PURPOSE:

To set forth the Town's policy and general supervisory guidelines for a disciplinary action process designed to document, address, correct and/or eliminate undesirable conduct or behavior on the part of employees.

II. POLICY AND GUIDELINES:

The decision as to appropriate discipline will be evaluated on a case-by-case basis, based on a variety of factors including the nature of the performance problem, violation or act of conduct at issue, the employment history of the employee involved, and the nature and duties of the employee's job. The process outlined herein shall only be a guide for supervisors.

III. TYPES OF DISCIPLINARY ACTION:

The nature of the discipline imposed may include any of the following:

- A. Verbal Reprimand. An oral notice or warning to an employee explaining a performance deficiency, problem, violation, behavior or act of conduct. The reprimand will normally be delivered by the employee's immediate supervisor, department head or Town Manager.
- B. Written Reprimand. A written notice or warning to the employee of a performance deficiency, problem, violation, behavior or act of conduct. The notice will normally be delivered by the employee's supervisor, but may also be given by another person in the employee's chain of command. The notice should be completed on the Employee Counseling Report/Notice of Intent attached as Appendix A to the Town Personnel Policy and Administrative Guideline Manual. Written reprimands shall identify the violations or failures to meet expectations with sufficient specificity and detail so as to enable the employee to respond to the charges. The written reprimand shall include the following information:
 - 1. The date(s) on which the unacceptable performance or event(s) occurred and a brief description of the incidents.

2. The departmental or Town policy, procedure, rule, or administrative guideline that has been violated.
3. The disciplinary consequence or potential consequence of any future violations.
4. Any plan for improvement.

After the employee has been given the written reprimand, he or she may request a meeting with the department head or person at the next level in the chain of command to discuss the contents of the reprimand and allow the employee to present any facts which he or she feels should be considered. The employee's immediate supervisor may also be included in this meeting. The written reprimand may then be revised by the department head or appropriate supervisor and forwarded for inclusion in the employee's personnel file.

- C. Suspension With or Without Pay. In some cases an employee may be suspended from work. An employee may be instructed to make a decision during a decision-making suspension as to whether he or she will correct and/or eliminate a performance deficiency or violation and meet the Town's expected standards of performance and conduct. This type of suspension shall be with pay and shall not exceed one (1) working day. Upon return from such a suspension, the employee will be required to advise his or her department head or person at the next level in the chain of command, whichever is appropriate, whether he or she intends to meet the standards of the Town or has decided to leave the Town's employment.

Administrative leave with pay may be used to remove an employee from the work site to permit the Town to conduct an investigation into the employee's conduct. While on administrative leave with pay, the employee is expected to follow departmental direction concerning requirements for leave time. Failure to comply with this requirement will result in disciplinary action. This type of leave shall not exceed three (3) business days unless the leave is extended by the Town Manager in order to allow the Town to complete its investigation and make its determination.

A suspension without pay may also be used as a disciplinary measure for conduct, acts or omissions deemed more serious by the Town. A suspension without pay is within the sound discretion of the Town Manager or the department head with the approval of the Town Manager and shall not exceed ten (10) business days.

The employee shall be given notice of the suspension by the department head or person at the next level in the chain of command, whichever is appropriate, setting forth the following information: 1) the grounds upon which the action is being taken; 2) the date(s) on which the unacceptable performance or event(s) occurred and a brief description of the incident; 3) the departmental or Town policy, procedure, rule, or administrative guideline that has been violated; 4) the disciplinary consequence or potential consequence of any future violations; and 5) any plan for improvement. The notice shall be completed on the Employee Counseling Report/Notice of Intent attached as Appendix "A" to the Town Personnel Policies and Administrative Guidelines. The information provided by the employee should then be considered before finalizing the notice of suspension. Whenever possible, the final notice of suspension shall be served upon the employee in person by a person over eighteen years of age who is qualified to effectuate service of process in order to avoid any question as to notice. When the final notice of suspension is served upon the employee by mail, it may be sent to the employee by "certified mail, return receipt requested", and in such an event it is considered to be "delivered" to the employee when it is received by the employee. Alternately, the notice may be delivered to the employee by posting same in the United States mail in an envelope properly addressed to the employee's last known address, postage pre-paid, in which case five (5) days shall be added to each of the prescribed times in the grievance and appeal process for "service by mail." The date, time and method of service shall be noted in the employee's personnel file along with the copy of the final notice of suspension.

- D. Demotion. An employee may be demoted, or moved from the position he or she currently holds to another position in a lower salary range. An involuntary demotion may be used when other disciplinary measures are deemed inappropriate. An involuntary demotion is within the sound discretion of the Town Manager or the department head with approval of the Town Manager. The grounds for any involuntary demotion shall be documented in a notice provided to the employee containing the following information: 1) the grounds upon which the action is being taken; 2) the date(s) on which any unacceptable performance, event or incident occurred; and 3) any additional facts upon which the demotion is

based. The notice shall be completed on the Employee Counseling Report/Notice of Intent attached as Appendix A to the Town Personnel Policies and Administrative Guidelines.

After the employee has been given the notice of demotion, the department head or person at the next level in the chain of command, whichever is appropriate, should interview the employee and allow the employee to present any facts supportive of his or her position. The information provided by the employee shall then be considered before finalizing the demotion notice. A copy of the final demotion notice shall then be forwarded for inclusion into the employee's personnel file. Whenever possible, the final notice of demotion shall be served upon the employee in person by a person over eighteen years of age who is qualified to effectuate service of process in order to avoid any question as to notice. When the final notice of demotion is served upon the employee by mail, it may be sent to the employee by "certified mail, return receipt requested", and in such an event it is considered to be "delivered" to the employee when it is received by the employee. Alternatively, the notice may be delivered to the employee by posting same in the United States mail in an envelope properly addressed to the employee's last known address, postage pre-paid, in which case five (5) days shall be added to each of the prescribed times in the grievance and appeal process for "service by mail." The date, time and method of service shall be noted in the employee's personnel file along with a copy of the final demotion notice.

An employee may only be demoted by his or her department head with the approval of the Town Manager.

- E. Termination. Termination, or discharge, is the involuntary and permanent removal of an employee from his or her employment. Termination of an employee is within the sound discretion of the Town Manager or the department head with the approval of the Town Manager. Prior to termination of any regular employee, the following procedures shall be followed:
1. When an employee's conduct or job performance is deemed by the immediate supervisor to justify termination, the immediate supervisor or department head shall prepare a pre-termination notice to the employee and send it to the employee by either certified mail or hand delivery. The notice shall be completed on the Employee Counseling Report/Notice of Intent attached as Appendix "A" to the Town Personnel Policies and

Administrative Guidelines. A copy of the notice shall also be placed in the employee's personnel file maintained in the Personnel Department. The letter shall state:

- a. The performance, conduct, behavior or violation that justifies discipline;
 - b. That termination is under consideration;
 - c. That the employee may have a pre-termination meeting with the immediate supervisor, in order to rebut the contents of the letter or to provide other relevant information; and
 - d. The date, time and location of the meeting with the employee and department head.
2. The immediate supervisor or department head shall then meet with the employee to discuss the pre-termination notice. At the pre-termination meeting, the employee shall be allowed to present his or her response to the pre-termination notice and any relevant documentation.
 3. The decision to terminate an employee must be summarized in a notice of decision, prepared in a letter format or on an acceptable form from the department head or Town Manager to the employee.
 4. The decision to terminate an employee must be summarized in a notice of decision, prepared in a letter format or on an acceptable form from the department head or Town Manager to the employee. Whenever possible, the notice of decision to terminate shall be served upon the employee in person by a person over eighteen years of age who is qualified to effectuate service of process in order to avoid any question as to notice. When the decision to terminate is served upon the employee by mail, it may be sent to the employee by "certified mail, return receipt requested", and in such an event it is considered to be "delivered" to the employee when it is received by the employee. Alternatively, the notice may be delivered to the employee by posting same in the United States mail in an envelope properly addressed to the employee's last known address, postage pre-paid, in which case five (5) days shall be added to each of the prescribed times in the grievance and appeal process for "service by mail." The date, time and method of service shall be noted in the employee's file.

5. No employee, except Council appointees, may be discharged from Town employment unless the decision is made by the employee's department head with Town Manager approval. If the termination decision involves a department head, the Town Manager shall notify the Town Council of his or her intended action and shall receive and consider input from all Council Members prior to making the final decision regarding the department head.

IV. GROUNDS FOR DISCIPLINARY ACTION:

Grounds for disciplinary action include, but are not limited to, the following:

1. Making an incorrect or misleading statement or response of a material nature on a record, report, employment application, or other document prepared in connection with, or arising out of, the employee's employment.
2. Lying to a supervisor, falsifying a public record and/or engaging in other acts of dishonesty, fraud, theft or sabotage.
3. Failure to comply with any of the Town's personnel policies regarding equal employment opportunities, discrimination or retaliation.
4. Failure to observe and comply with the Town's safety regulations.
5. Failure to work safely or report an accident or injury occurring on the job.
6. Failure to comply with the Town's policy regarding harassment.
7. Refusal to follow lawful directives of a supervisor or other administrative authority.
8. Use of offensive, inappropriate, demeaning, or abusive language or behavior towards a member of the public, other employees, or administrative personnel.
9. Threatening, fighting with, intimidating, coercing or abusing other employees or officials of the Town or provoking such actions by others.

10. Insubordination, refusal to comply with instructions from a supervisor, or failure to perform the assignment of a reasonable duty.
11. Refusal to sign for receipt of any policy, guideline, regulation, disciplinary notice, performance evaluation or other Town correspondence.
12. Failure to submit to a required physical, psychological, or polygraph examination or to participate in such counseling, testing or rehabilitative treatment as may be required by the Town.
13. The purchase, sale, transfer, use or possession of intoxicants, including alcohol, illegal or non-prescribed drugs or controlled substances, while on duty, as defined in this Manual.
14. Conviction of a crime which, in the Town's judgment, indicates the employee should not continue to perform the duties of his or her position.
15. Conviction of a violent crime or a crime of moral turpitude.
16. Violation of, or failure to comply with, any federal, state or local law or regulation on or off duty; the violation of which may bring discredit upon the Town and/or affect the ability of the employee to properly discharge the duties and responsibilities of his or her employment.
17. Carrying a weapon or firearm into a Town facility, or while on duty, when not officially authorized to carry such a weapon.
18. Inefficiency, incompetence or negligence in the performance of duties, or performance which, in the Town's opinion, does not meet the requirements of the employee's position.
19. Failure to perform a duty required to be performed by law, or performing an act or duty in violation of the law or prescribed by law.
20. Conduct which the Town feels affects adversely on the employee or Town.
21. Failure to obtain and maintain a current license or certificate of the condition of employment, or if required by law or Town policy.

22. Unauthorized use or possession of Town owned or leased property of any type, or damage to such property through a willful act or negligence.
23. Unauthorized absenteeism.
24. Unauthorized tardiness.
25. Unauthorized performance of work.
26. Malingering or abuse of sick leave, including use of sick leave under false pretenses.
27. Unauthorized absence from duty without leave, unauthorized leave, and/or failure to report after absence when leave has expired or after disapproval, revocation or cancellation of such leave.
28. Disregard of personal appearance, uniforms, attire or personal hygiene.
29. Willful or careless release of confidential information.
30. Providing false or misleading information.
31. Engaging in any sexual activity while on duty.
32. Engaging in prohibited political activity.
33. Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may disrupt the workplace or any Town operation or endanger the wellbeing of an employee or member of the public.
34. Acceptance of a remuneration, in addition to the regular compensation provided by the Town, whether in the form of a gift, loan, or service from any person reasonably known to the employee to be interested in any manner, directly or indirectly, in any decision or act of the Town.
35. Solicitation of any member of the public for money, gifts, goods, or services for personal gain while acting in an official capacity.

36. Discourtesy or rude behavior to another employee or member of the public.
37. Any action, on or off the job, bringing discredit to the Town.
38. Violation of any Town or departmental policy, guideline, rule or regulation.
39. Violation of any section or provision of the Town's personnel policies.
40. Engaging in such other acts, omissions or conduct which the Town determines is inconsistent with the ordinary and reasonable rules of conduct necessary for the welfare of the town, its employees or citizens.

The above list is not exclusive and other actions not listed herein could also result in discipline up to and including discharge. The town is not required to follow a progressive disciplinary warning system or procedure prior to imposing any particular form of discipline in a particular case.

V. POWERS OF TOWN MANAGEMENT REGARDING DISCIPLINARY ACTION:

Immediate supervisors of employees shall have the power to give either verbal or written reprimand and to recommend more serious disciplinary action to the employee's department head.

The Town Manager, or the applicable department head with the approval of the Town Manager, may administer any of the forms of disciplinary action set forth above. If the disciplinary action involves a department head, the Town Manager shall notify the Town Council of his or her intended action and shall receive and consider input from all Council Members prior to making the final decision regarding the department head.

Disciplinary action regarding Council appointees up to and including termination shall be administered solely by the Town Council.

GRIEVANCES AND APPEALS

6. PURPOSE:

These grievance and appeal processes are established to provide a just, effective, and equitable method for the prompt resolution of certain complaints, problems and/or concerns expressed by employees in a fair and expeditious manner, without discrimination, coercion, restraint, or reprisal against employees who use the process. This policy applies to all regular employees of the Town. Only the aggrieved regular employees may file grievances on their own behalf; a regular or probationary employee may not file a grievance on behalf of another regular or probationary employee. Any employee whose state of mind is so affected by a grievance that he/she will not endeavor to, or cannot do the proper thing in course of performing his/her regular duties should immediately pursue the prescribed procedures for grievances.

Grievances and appeals are distinctly separate mechanisms utilized by the Town: the grievance procedure is used to resolve problems, complaints, concerns and questions raised by regular employees; appeals are available for suspensions, demotions, reductions in pay in lieu of suspension, and terminations.

II. POLICY:

It is the policy of the Town:

- A. To settle disagreements with employees informally at the employee/supervisor level, if possible.
- B. To provide an orderly procedure to handle grievances through each level of supervision.
- C. To resolve grievances as quickly as possible.
- D. To attempt to correct and/or remedy the cause of a grievance and prevent future similar complaints or concerns.
- E. To provide a system of open communications at all levels of supervision and to hear problems, complaints, concerns and questions raised by employees.

- F. To reduce the number of grievances by providing for a means of adjustments and/or elimination.
- G. To provide for a more harmonious relationship between employees and supervisors.
- H. To maintain a process designed to provide for the fair and equal treatment of employees.

III. GRIEVABLE ACTIONS:

- A. A complaint, concern or problem the complaining employee has with his or her immediate supervisor, such as a dispute arising out of the manner in which the supervisor has handled a particular matter in the workplace.
- B. The Town's application of its Personnel Policies and Administrative Guidelines or procedures in a manner that is reasonably believed by the complaining employee to be to the employee's detriment and which does not rise to the level required for an "actionable claim" under Arizona's applicable statutes.
- C. Treatment considered by the complaining employee to be unfair, such as alleged coercion, intimidation or reprisal by a coworker or member of Town management or some form of alleged verbal or physical abuse affecting the complaining employee and which does not rise to the level required for an "actionable claim" under Arizona's applicable statutes.
- D. Alleged harassment, discrimination or retaliation involving the complaining employee that does not rise to the level required for an "actionable claim" under Arizona's applicable statutes.
- E. Alleged improper or unfair administration of the complaining employee's benefits or conditions or privileges or employee, such as vacation, fringe benefits, promotions, wages, retirement, holidays or seniority, and which does not rise to the level required for an "actionable claim" under Arizona's applicable statutes.
- F. Any other complaint, concern, problem, or question raised by the complaining employee that the employee reasonably believes adversely affects his or her ability

to work, directly relates to the workplace or a safety issue over which the Town has

authority or power to control, and which does not rise to the level required for an “actionable claim” under Arizona’s applicable statutes.

IV. NON-GRIEVABLE ACTIONS:

The following types of matters, among other things, may never form the basis for a grievance or appeal under the Town’s Personnel Policies and Administrative Guidelines:

- A. Any matter on which the Town is without authority or power to act.
- B. The outcome of a performance appraisal.
- C. The content or structure of employee classification or pay plan or a benefit program.
- D. Decisions involving an employee’s pay, benefits or classification.
- E. Matters involving municipal finance or budgetary issues.
- F. In the case of police officers, selection, assignment and/or reassignment to a special position by the Chief of Police.
- G. Suspensions without pay, demotions, reductions in pay in lieu of suspension, and terminations.

V. GRIEVANCE PROCEDURES:

- A. Informal Grievance Procedure:
 - 1. An employee who has a problem or complaint should first try to get it settled through discussion with his/her immediate supervisor without undue delay.
 - 2. If, after this discussion, he/she does not believe the problem has been satisfactorily resolved, he/she will have the right to discuss it with his/her supervisor’s immediate department director. If the employee’s supervisor does not have a department director, he/she shall discuss the matter with the Human Resources Director. In some circumstances, the Human Resources Director will determine if the matter should be immediately referred to the

Town Manager, or his/her designee.

3. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and he/she will not be permitted to proceed to the formal grievance procedure outlined below.

B. Formal Grievance Procedure:

1. First Level of Review:

- (a) If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to the first level. Initially, the employee must reduce the grievance to writing, citing the article and section of the personnel policies and procedures alleged to be violated, the date of the violation that is the basis for the grievance, the nature of the grievance, and the relief requested.
- (b) This grievance must be presented to the employee's immediate supervisor no later than 10 calendar days after the informal grievance procedure has been fully exhausted. The supervisor will render his/her decision and comments in writing and return them to the employee within 15 calendar days after receiving the grievance.
- (c) If the employee does not agree with his/her supervisor's decision, or if no answer has been received within 15 calendar days, and the employee wishes to continue in the grievance process, the employee may present the grievance in writing to his/her supervisor's immediate department director (the "Second Level Supervisor").
- (d) Failure of the employee to take further action within 10 calendar days after receipt of the written decision of his/her supervisor or within a total of 25 calendar days after presentation of the grievance to the employee's immediate supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

2. Further Level(s) of Review as Appropriate:

- (a) The Second Level Supervisor receiving the grievance will review

it, render his/her decision and comments in writing, and return them to the employee within 15 calendar days after receiving the grievance.

- (b) If the employee does not agree with the Second Level Supervisor's decision, or if no answer has been received within 15 calendar days after the Second Level Supervisor received the grievance, and the employee wishes to continue in the grievance process, he/she may present the grievance in writing to the Town Manager – through the Human Resources Director.
- (c) Failure of the employee to take further action within 10 calendar days after receipt of the decision, or within a total of 25 calendar days of referral to his/her Second Level Supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

3. Town Manager Review

- (a) Upon receiving the grievance, the Town Manager or designee should discuss the grievance with the employee and with other appropriate persons within 15 calendar days after receiving the grievance.
- (b) The Town Manager or designee may designate a fact-finding committee or supervisor to advise him/her concerning the grievance.
- (c) The Town Manager or designee will render a final decision within 15 calendar days after (i) discussing the grievance with the employee and other appropriate people or (ii) receiving feedback from a fact-finding committee or supervisor. Grievances may not be appealed to the Independent Hearing Officer.

VI. APPEAL TO THE PERSONNEL HEARING OFFICER

A. Right to Appeal

- 1. Any regular employee will have the right to appeal to the Independent Hearing Officer any disciplinary action by the Town that involves termination, demotion, suspension without pay, or reduction in pay in lieu of

suspension

without pay, except in instances where the right of appeal is specifically prohibited by these policies.

2. An act or omission on the part of the Town for which a regular employee could bring a claim against the Town for the alleged violation of the Arizona Employment Protection Act.

B. Methods of Appeal

1. Appeals will be in writing, signed by the appellant, and delivered in person, email or by first-class mail to the Human Resources Director. Appeals must be delivered to the Human Resources Director within 10 calendar days of the date of the disciplinary action to be appealed. The formality of a legal pleading is not required. However, failure to file the appeal on time will constitute a waiver, and the decision will become final.
2. Within 10 calendar days after receipt of the appeal, the Human Resources Director will notify the Town Manager, the Independent Hearing Officer, and such other persons named or affected by the appeal.
3. Upon filing of an appeal, the Independent Hearing Officer will set a date for a hearing on the appeal not less than 10 calendar days or no more than 30 calendar days from the date of filing.
4. The Human Resources Director will notify all interested parties of the date, time, and place of the hearing. The Human Resources Department will provide administrative assistance to the Independent Hearing Officer.
5. The appeal will be a written statement, addressed to the Independent Hearing Officer, explaining the matter appealed, the specific grounds for the appeal (explaining why he/she believes the decision appealed is incorrect), and including a statement of the action desired by the appellant. The written appeal will constitute the entire matter before the Independent Hearing Officer. The appellant may not add new matters, grounds, facts, or theories to those already stated in the original appeal. The Independent Hearing Officer will not have jurisdiction to consider any such additional matters, grounds, facts, or theories outside of the written appeal.

C. Independent Hearing Officer

1. The Town shall establish a list of at least three attorneys (or fewer if an insufficient number of qualified candidates are available), who are licensed and in good standing with the State Bar of Arizona and who have at least five years of experience and knowledge or municipal law and/or employment law, to serve as the Independent Hearing Officer. Upon receipt of a written appeal, the Town Manager or designee shall select the Independent Hearing Officer from the qualified list.
 - (a) Grounds for Disqualifying Hearing Officer. The Independent Hearing Officer shall be disqualified from service if: (i) a family relationship exists between the Independent Hearing Officer and the employee at issue; (ii) the Independent Hearing Officer is personally involved in some manner with the employee; (iii) the Independent Hearing Officer has a close personal association of some kind with the employee; and/or (iv) the Independent Hearing Officer is objectively determined by the Town Manager to be prejudiced for some reason against the employee. The Independent Hearing Officer shall voluntarily recuse himself if any of the above facts are present. The Town or employee may also file a request for change of hearing officer prior to the hearing if any of the above facts are present.
 - (b) Peace Officer Right to Change Hearing Officers. Peace officers may request a change of hearing officer within 10 calendar days after the appointment of an Independent Hearing Officer. The first such request shall be granted. If an alternate hearing officer is requested by means of an interagency agreement, the parties shall be granted the option of continuing the hearing for an additional 10 calendar days, or as agreed to by the parties. Any subsequent requests for a change of hearing officer may be granted only on a showing that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned hearing officer. The Town Manager shall decide whether a showing of prejudice has been made.
2. The Town shall pay the reasonable fees and costs of the Independent Hearing Officer; however, the Independent Hearing Officer will not represent either the Town or the appellant. The Independent Hearing Officer shall render

rulings

and determinations pursuant to these rules.

3. The Independent Hearing Officer shall have the following duties and authority:

(a) Pre-Hearing:

- i. Consider and rule on any pre-hearing motions, including those that could result in the dismissal of the appeal for failure to follow these rules.
- ii. Set reasonable restrictions and deadlines for the timing and conduct of the hearing.
- iii. Prepare the hearing notice and agenda.

(b) Presiding over the Hearing:

- i. Rule on objections and motions by a party, unless they are dispositive of the appeal.
- ii. Submit his/her findings and recommendations on the merits of the appeal in accordance with the timeframe and procedure set forth in subsection (F) below.
- iii. Prepare a written report and recommendation for the Town Manager.

D. Pre-hearing Procedures:

1. Within five calendar days of filing the written appeal with the Human Resources Director, the appellant may request his/her personnel record from the Town. Neither party shall be entitled to any additional discovery in this process, except as outlined below.
2. At least seven calendar days prior to the hearing, the Town and the appellant shall disclose to one another the witnesses that each anticipates calling, a synopsis of their testimony, and any documents each anticipates presenting to the Independent Hearing Officer. The proposed testimony and exhibits must

exhibits that do not relate to the written appeal shall not be considered or presented; the Independent Hearing Officer will make this determination, as necessary.

3. Not less than seven calendar days after the exchange of proposed testimony and exhibits, the parties shall work together to determine if either side objects to any exhibits, and work through those objections. If after consulting with one another, there is still a disagreement, the parties shall file a brief letter (no more than one page) outlining the disputed items to the Independent Hearing Officer. The letter must be filed at least three calendar days prior to the hearing. The Independent Hearing Officer shall rule on any disagreement prior to the hearing. All exchanged exhibits that are not excluded as set forth above will be deemed admissible and presented to the Independent Hearing Officer at the hearing.

E. Hearings

1. The appellant shall appear personally and testify before the Independent Hearing Officer at the time and place of the hearing.
2. The proposed testimony and exhibits used by the appellant shall only be those permitted pursuant to subsection (D) above. No other witnesses or documents will be considered by the Independent Hearing Officer unless the party can show that such document or testimony was newly discovered, there was prompt disclosure, and the evidence is crucial to the case. The Independent Hearing Officer may, at his/her discretion, exclude certain witnesses or documents, even if timely disclosed, if such evidence would be irrelevant, cumulative, redundant, or overly prejudicial.
3. The appellant may be represented by any person, including an attorney (other than the Independent Hearing Officer), as he/she may select, and at the hearing his/her attorney or representative may produce on the appellant's behalf relevant oral or documentary evidence.
4. The Town will present its case first, establishing the reasons for the employment action. At the conclusion of the Town's case, the appellant will then present his/her case in opposition. Each side may call its disclosed

witnesses. The parties are responsible for securing the attendance of their own

witnesses, but the Town will make Town employees available for the hearing if timely disclosed. The parties do not have any subpoena power to compel a witness's attendance.

5. Cross-examination of witnesses will be permitted.
6. The conduct and decorum of the hearing will be under the control of the Independent Hearing Officer, with due regard to the rights and privileges of the parties.
7. Hearings need not be conducted according to technical rules relating to evidence and witnesses.
8. Hearings will be closed unless the appellant, in writing, requests an open, public hearing. A closed hearing does not preclude the attendance of (i) persons necessary to assist in the presentation of evidence and arguments, (ii) the Human Resources Director or authorized designee or (iii) the appellant's department director or authorized designee.

F. Findings and Recommendations

1. The Independent Hearing Officer will, within 15 calendar days after the conclusion of the hearing, submit his/her findings and advisory recommendations to the Town Manager. The Independent Hearing Officer may recommend the Town Manager affirm, revoke, or modify the employment action taken.
2. If the grievance is against the Town Manager, the Town Manager may designate an alternate person to render a determination. The Town Manager or designee will review the findings and recommendations of the Independent Hearing Officer. He/she may then affirm, revoke, or modify the employment action taken as in his/her judgment seems warranted.
3. The Town Manager or designee will inform the appellant within 20 calendar days of his/her decision. The action of the Town Manager or designee will be final.

The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.

MEDIATION

I. PURPOSE:

To communicate an alternative process for resolving a workplace conflict complaint. A formal mediation process is available to employees who choose to request review through this process.

II. POLICY:

Because the goal of the Town is to resolve conflicts at the lowest level possible, the best way to resolve a conflict in some situations may be through the use of a neutral third party mediator. The Personnel Department will be responsible for managing this process and will assist both parties in identifying a mutual third party to assist in the resolution of the conflict. Mediation is not binding unless both parties agree for it to be binding.

III. GUIDELINES AND PROCESS:

The Human Resources Director will coordinate the mediation process when both the employee and Town agree upon mediation as an alternative process for resolving a workplace conflict complaint. Upon receipt of such a request, the Human Resources Director will contact a mutual third party who conducts workplace mediations.

Mediation will typically be conducted in the following manner:

1. Each party will meet with the mediator in an open session. No other parties other than the two affected employees are allowed to provide testimony during the process. The mediator will explain the process and what is expected of both parties. Ground rules will be set and the parties will agree that all of the statements made during the course of the mediation will be kept confidential.
2. Each party will present their facts and the mediator will ask questions to be sure everyone understands the varying perspectives.
3. The mediator will then meet with each party separately in an attempt to resolve the dispute. The mediator may ask more penetrating questions than in the joint session, and make persuasive points about a party's position, since the information related by each party to the mediator is confidential and may not be shared with the other side without the party's express consent.

4. The mediator will attempt to offer different proposals to each side to see if a resolution can be reached.
5. If the mediator is able to bring the parties to an agreed upon resolution, the agreement will be set forth in writing and signed by both parties. Mediation can be binding if both parties agree.

The deadlines and requirements of the grievance and appeal process set forth in the Town's Personnel Policy and Administrative Guideline Manual shall be suspended from the time a mediation request is made by both parties through the time the mediation process has concluded; any remaining time left under the particular step of the grievance and appeal process will then commence until its expiration. Any time which has elapsed prior to the mediation request shall be included in computing whether the grievance and appeal process deadlines have been complied with.

BULLETIN BOARDS

I. PURPOSE:

To provide a permanent and official channel of communication to employees.

II. SCOPE:

This policy applies to all official Town bulletin boards.

III. POLICY:

Important Town information will be displayed permanently on bulletin boards located at strategic points throughout the Town. Information will be of the following types:

- A. Legally required posters and notices.
- B. Town standards and rules of conduct.
- C. Safety rules and related information.
- D. Management memos and announcements, including job posting forms.
- E. Town-sponsored social and recreational events; and dated employee classified ads.

Employees will be responsible for regularly checking and reading the bulletin board and for following the rules, regulations and instructions posted there.

IV. PROCEDURE:

- A. Information posted on official Town bulletin boards must be approved in advance by the Town Manager.
- B. Department heads will be responsible for maintaining the orderly appearance of the bulletin boards, posting new information and removing dated material.

SUGGESTIONS

I. PURPOSE:

To encourage employees to suggest ways to improve the quality or efficiency of the Town.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY:

The Town encourages employees to suggest methods to improve the quality or efficiency of the Town. Employees must submit their suggestions to their supervisors in writing, then to the Town Manager if appropriate. The suggestions should be detailed so that the system or procedure can be adequately evaluated.

PERFORMANCE APPRAISAL

I. PURPOSE:

To provide a process by which the job performance of each employee is appraised for purposes of development, merit review and counseling.

II. SCOPE:

This policy applies to performance appraisal of regular and probationary period employees.

III. POLICY:

The employee performance appraisal process will be managed to accomplish the following objectives:

- A. To enhance individual employee performance and ensure effective business operations.
- B. To summarize both formal and informal performance discussions held with employees throughout the review period.
- C. To document performance areas in which employees do well and those areas which require improvement. To establish performance goals and plans to correct performance shortcomings.
- D. To link employee performance with merit increase considerations.

IV. PROCEDURE:

Each supervisor is responsible for setting and communicating clear performance standards for his or her employees throughout each review period. Each supervisor is also responsible to observe and discuss with his or her employees positive and negative aspects of their performance in relation to standards throughout the review period. On a regular basis, each supervisor is responsible to conduct formal performance appraisals on each subordinate employee summarizing past discussions and setting performance goals.

- A. Timing.
1. Regular employees will receive at least one performance appraisal annually.
 2. Newly hired employees will be appraised at least once during their probationary period.
 3. The Human Resources Director will maintain a system to assist the department head to complete performance appraisals on time. The timely processing of performance appraisals is one of the most important management responsibilities of the supervisor.
- B. Approvals. Performance appraisals must be reviewed and approved by the department head before a supervisor may discuss and review the performance appraisal with the employee.
- C. Performance Appraisal Discussion. Supervisors will hold a discussion with the employee regarding each performance appraisal. The discussion should be held at a prearranged time in a private location free from interruptions.
- D. Employee Signature. The employee will be asked to comment on the appraisal and acknowledge it by signing the form. He or she will then be given a copy of the signed appraisal. If the employee declines to sign the form, he or she should be encouraged to discuss any concerns and perhaps write a rebuttal. If the employee still declines to sign the appraisal, the supervisor should write 'employee declined to sign' at the bottom of the form, add his or her initials and the date, and give the employee a copy of the appraisal. The supervisor should then notify his or her department head of the situation.

PROMOTIONS

I. PURPOSE:

To support the basic organization-building process of promoting qualified employees to positions of greater responsibility and recognition.

II. SCOPE:

This policy applies to all regular Town employees.

III. POLICY AND GUIDELINES:

- A. When a position vacancy occurs opportunities from within may be explored consistent with the goal of filling positions with the most capable individual available.
- B. When a position vacancy is to be filled, announcements will be posted for 5 business days at designated employee bulletin boards.
- C. Any employee who has successfully completed their probationary period is eligible to apply for a posted position.
- D. External recruiting sources may be used simultaneously with the internal search.
- E. Receipt of a promotion does not constitute a commitment for continued employment in a new position at the Town for any specific time, nor is there a guarantee that an employee will be able to return to his or her former position if he or she is unsuccessful in the new job.
- F. Acting appointments may be made on a temporary basis to fill a vacant position for which no other candidate is available or to provide a replacement for a current employee who is on leave. An employee appointed in an acting capacity will receive at least a ten percent salary increase providing the employee serves in the higher classification for at least 30 days. When the employee reverts to their previous position, his/her pay will be adjusted to the prior pay range.
- G. All promotional appointments are subject to a 90 day probationary period.

ACCIDENTS AND INJURY REPORTING

I. PURPOSE:

To protect the safety and health of all employees and to comply with all applicable federal and state laws.

II. SCOPE:

This policy applies to all employees.

III. POLICY AND GUIDELINES:

Job-related injuries and illnesses, regardless of severity, shall be reported immediately to the supervisor or department head to evaluate and obtain prompt medical attention if necessary.

IV. PROCEDURE:

- A. All employees have the responsibility of complying with safety rules and requirements and to immediately report any unsafe conditions or circumstances to their supervisor or department head in an effort to prevent accidents.
- B. Job-related injuries or illnesses must be reported immediately.
 - 4. Obtain appropriate medical attention, if necessary.
 - 5. Supervisors shall complete supervisor's report of industrial injury.
 - 6. If medical attention is not needed, the employee must report to the supervisor or department head for evaluation and appropriate documentation.

LIFE-THREATENING ILLNESSES

I. PURPOSE:

To state the Town's position on employees with life-threatening illnesses such as cancer, AIDS, cardiopulmonary diseases, etc.

II. SCOPE:

This policy applies to employees of the Town and employees who live with someone who has or is suspected of having a life-threatening illness.

III. POLICY AND GUIDELINES:

The Town is committed to providing equal opportunity to all employees, including those who have life-threatening illnesses. The Town also is committed to providing a safe work environment that meets or exceeds state and federal regulations. Consequently, employees who have a life-threatening illness will be treated like other employees as long as they meet performance standards, and medical and other evidence indicates that their condition is not a threat to themselves or others.

IV. PROCEDURE:

C. Confidentiality and Sensitivity. If an employee contracts a life-threatening illness, or if an employee discovers a fellow worker has contracted a life-threatening illness, all reasonable efforts should be exercised to ensure that this information remains private and confidential. All employees should treat employees with a life-threatening illness with compassion and understanding.

D. Working with Terminally Ill Employees. The Town will allow employees who have a life-threatening illness to continue to work as long as they continue to meet performance standards, and will reasonably accommodate these employees whenever possible.

E. Medical Examination. To assure the Town that the employee who is terminally ill is not a danger to himself or herself, or to other employees, the Town reserves the right to have the employee examined by a physician. All information, including the results, related to the examination will be confidential.

- F. Disability. If an employee is unable to work due to a terminal illness, the employee may be eligible for the Town's medical leave of absence. As provided in Policy No. 1115, if an employee cannot fulfill the duties of his or her position after being out on a leave of absence from work due to a health condition or illness for a period of one hundred eighty (180) days, the Town may declare the employee's position vacant and seek and hire another candidate to fill the position.

REASONABLE ACCOMMODATIONS

I. PURPOSE:

To comply with state and federal law and afford equal employment opportunities to qualified individuals with a handicap or disability as defined by the Americans with Disabilities Act of 1990 and the Arizona Civil Rights Act.

II. SCOPE:

This policy applies to all Town employees.

III. POLICY AND GUIDELINES:

The requirements set forth in the Americans with Disabilities Act of 1990 and the Arizona Civil Rights Act concerning reasonable accommodations shall be complied with and followed.

LIMITATION OF EXTENDED LEAVE DUE TO ILLNESS OR CONDITION

I. PURPOSE:

While the Town endeavors to accommodate employees who are plagued by a health condition or illness which requires them to miss work during a leave of absence, it is necessary for the Town to place a limitation on the amount of time that it will keep a position open to an employee with such a condition.

II. POLICY:

If an employee cannot fulfill the duties of his or her position after being out on a leave of absence from work due to a health condition or illness for a period of one hundred eighty (180) days, the Town may declare the employee's position vacant and seek and hire another candidate to fill the position.

STAND-BY COMPENSATION POLICY: NON-EXEMPT EMPLOYEES

I. Purpose:

To provide guidelines to administer the Stand-By Compensation Policy for eligible non-exempt employees to receive payment for being available, at the request of the Town, to respond to call out duties after regularly-scheduled work hours, on weekends, and holidays. Stand-by pay is compensation for employees who are assigned stand-by duty to respond to situations outside of their scheduled work hours. Stand-by assignments will be made at the discretion of the Department Head or designee.

II. Scope:

This program applies to eligible non-exempt employees of the Town of Chino Valley. Eligible non-exempt employees are, specifically, non-exempt employees of the Town's Utility Department and non-exempt Detectives of the Police Department. Other non-exempt employees may be added at the discretion of the Town Manager, based upon the needs of the Town, subject to budgetary consideration.

III. Policy and Guidelines:

- A. An eligible non-exempt employee will receive compensation for scheduled stand-by hours excluding regularly scheduled shifts.
- B. The rate of pay will be \$1.00 per hour.
- C. An employee who has been assigned to stand-by duty must be available for recall for the entire period for which the employee is being compensated. Being available for recall is defined as:
 - 1. Being available to respond in a reasonable amount of time; this is defined by each department based on departmental circumstances. A supervisor shall communicate to an employee who has been assigned to stand-by duty the reasonable response time.

2. During the time an employee is on assigned stand-by duty, that employee shall not consume substances (including but not limited to alcohol and drugs) that may in any way impair his or her job performance.
 3. An employee on stand-by time shall engage in such activities and remain in close proximity to the Town so that the employee is able to promptly, effectively and safely perform the duties that would normally be performed if the employee were on regular duty.
- D. Supervisors of employees with stand-by duty shall maintain a rotation list of employees to be assigned stand-by duty but, in the discretion of the Department Head, may consider personal needs of individual employees such as scheduled vacations and other personal matters, as well as the needs of the Department and the Town as a whole.
- E. If an employee is physically recalled to work while on stand-by time, the employee shall be paid for a minimum of two hours per call out, at a rate of time and one half, and if the call out is more than two hours the employee will be paid for the actual amount of time of the call out, at a rate of time and one half. An employee will not be paid stand-by pay for the hours actually worked.
- F. Failure to respond to recall or reporting to work unfit for duty while on stand-by duty may result in disciplinary action.
- G. An employee who is on stand-by duty and who is not available when called shall lose stand-by pay for that stand-by period and may be subject to disciplinary action.
- H. Stand-by time does not include situations where an entire work group is placed on notice that pending weather conditions or comparable situations may necessitate being called back to work.
- I. Each hour of stand-by time shall be reported as such on the payroll timesheet and not as regular work hours for purposes of calculating rate of pay. If an employee is physically recalled back to work, those hours shall be reported as special on-call hours, on the payroll timesheet, for purposes of calculating rate of pay.

- J. Stand-by duty may not be used for the sole purpose of increasing an employee's pay or time-off from work.
- K. Stand-by pay cannot be converted to compensatory time.
- L. The supervisor shall only designate an employee for stand-by duty when the employee is sufficiently familiar with operational guidelines and procedures necessary to operate safely within the environment with which the employee will be exposed.

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EMPLOYEE COUNSELING REPORT/NOTICE OF INTENT
(Appendix A to Town of Chino Valley Personnel Policy and Administrative Guideline Manual)

EMPLOYEE: _____

JOB TITLE: _____

DEPARTMENT: _____

SUPERVISOR: _____

DATE: _____

DEPARTMENT HEAD: _____

This is to advise you that I am proposing that the following disciplinary action be taken against you with respect to your employment with the Town of Chino Valley. The type of disciplinary action proposed and the grounds upon which it is based are set forth below.

Type of Action:

Supervisory counseling

Date: _____

Reprimand

Effective Date: _____

Notice of Intent to Suspend
Pre-suspension hearing:

Date - _____; Time - _____

Notice of Intent to Demote
Pre-demotion meeting:

Date - _____; Time - _____

Notice of Intent to Terminate
Pre-termination meeting:

Date - _____; Time - _____

Follow-up Review (if applicable)

Date: _____

Description of Grounds for Action:

(Include Date, Time, Place, and Specific Details. Attach Additional Documentation/Reports if Pertinent)

Policies, Guidelines or Regulations Violated:

Expected Improvement (if applicable):

Next Action or Review(if applicable): _____

Employee's Comments:

(Employee's Handwriting)

A pre-disciplinary hearing/meeting is scheduled to take place on the above-referenced date, at the above-described time and location. At that time you will be presented with the facts which form the basis for the proposed disciplinary action, and you will be given an opportunity to tell your side of the story and to refute any allegations before discipline is imposed. Copies of any documents or materials which support the proposed action will be made available to you at the scheduled hearing.

Following the pre-disciplinary hearing/meeting, if you believe any of your rights, benefits, or privileges of your employment have been violated, or if you believe one or more of the policies or guidelines set forth in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual have been violated, misapplied, misinterpreted or are unfair or discriminatory, you may file an grievance and proceed in accordance with the Town's personnel policies and guidelines regarding grievances and appeals.

Acknowledgment/Signature:

(I acknowledge that the above Counseling Form has been discussed with me and if I disagree, that I may file a grievance and/or appeal in accordance with the Town Personnel Policy and Administrative Guideline Manual concerning grievances and appeals. I understand my signature does not imply agreement or disagreement with the proposed disciplinary action, and that if a timely grievance and appeal is not filed with regard to the proposed disciplinary action, the proposed action may not be contested and will become final and binding.)

Employee's Signature

Date

Supervisor's Signature

Date