

Personnel Rules & Regulations



Adopted by City Council

~~December 13, 2019~~ February 9, 2023

MISSION	1
RULE I. DEFINITION OF TERMS.....	2
SECTION 1. ALLOCATION	2
SECTION 2. ANNIVERSARY DATE	2
SECTION 3. ANNUAL LEAVE	2
SECTION 4. APPOINTMENT	2
SECTION 5. BOARDS	2
SECTION 6. CLASS	2
SECTION 7. CLASSIFIED SERVICE	2
SECTION 8. COMPENSATORY TIME	2
SECTION 9. CONFIDENTIAL POSITIONS	2
SECTION 10. DEPARTMENT HEAD	2
SECTION 11. EMPLOYEE	2
SECTION 12. EXAMINATION	2
SECTION 13. GRIEVANCE	2
SECTION 14. MERIT INCREASE	2
SECTION 15. ORIGINAL PROBATION	2
SECTION 16. OVERTIME WORK.....	2
SECTION 17. PART-TIME EMPLOYEE.....	3
SECTION 18. PERFORMANCE EVALUATION.....	3
SECTION 19. PERMANENT STATUS	3
SECTION 20. HUMAN RESOURCES DIRECTOR	3
SECTION 21. POSITION	3
SECTION 22. PROMOTIONAL PROBATION	3
SECTION 23. PUBLIC SAFETY EMPLOYEES.....	3
SECTION 24. REEMPLOYMENT	3
SECTION 25. REGISTER	3
SECTION 26. RETIREMENT ELIGIBILITY.....	3
SECTION 27. REVERSION.....	3
SECTION 28. SEASONAL EMPLOYEE	3
SECTION 29. SICK LEAVE	3
SECTION 30. RESERVED.....	3
SECTION 31. LIMITED EMPLOYEE.....	3
SECTION 32. SEPARATION WITHOUT PREJUDICE	3
RULE II. GENERAL PROVISIONS	3
SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY	3
SECTION 2. VIOLATION OF RULES	4
SECTION 3. AMENDMENT AND REVISION OF RULES	4
SECTION 4. UNCLASSIFIED SERVICE	4
SECTION 5. PERSONNEL APPEALS BOARD	4
SECTION 6. MERIT SYSTEM BOARD	5
SECTION 7. OUTSIDE EMPLOYMENT.....	5
SECTION 8. CITY WORK SCHEDULE	5
SECTION 9. APPOINTMENT TO BOARDS, COMMISSIONS OR COMMITTEES	5
SECTION 10. ETHICS	5
SECTION 11. PRIORITY OF LAW	5

RULE III. CONDITIONS OF EMPLOYMENT	5
SECTION 1. LOYALTY OATH	5
SECTION 2. POLITICAL ACTIVITY PROHIBITED	5
SECTION 3. SOLICITATION ACTIVITY PROHIBITED	6
SECTION 4. RESIDENCE REQUIREMENT	6
SECTION 5. POLYGRAPH EXAMINATIONS	6
SECTION 6. PHYSICAL EXAMINATION	6
SECTION 7. EMPLOYMENT ELIGIBILITY	6
SECTION 8. DRUG FREE WORKPLACE POLICY	6
SECTION 9. PRIOR EMPLOYEES	10
SECTION 10. EMPLOYMENT COMMITMENT FOR TRAINING	10
SECTION 11. EMPLOYEE-LABOR RELATIONS:	10
RULE IV. RECRUITMENT	11
SECTION 1. FILLING OF VACANCIES	11
SECTION 2. NOTICE.....	11
SECTION 3. CONTENT OF ANNOUNCEMENT	11
SECTION 4. APPLICATION FORMS	11
SECTION 5. DISQUALIFICATION	11
SECTION 6. HIRING OF RELATIVE-NEPOTISM.....	11
RULE V. SELECTION OF EMPLOYEES	12
SECTION 1. MINIMUM QUALIFICATIONS	12
SECTION 2. INTERVIEWS:.....	12
SECTION 3. SELECTION CRITERIA	12
SECTION 4. REGISTER	12
SECTION 5. CERTIFICATION	12
SECTION 6. SELECTION	13
RULE VI. EMPLOYMENT LISTS.....	13
SECTION 1. REGISTERS	13
SECTION 2. ELIGIBILITY LISTS	13
SECTION 3. REMOVAL OF NAMES FROM LIST	13
RULE VII. EXAMINATION	13
SECTION 1. NATURE AND TYPES OF EXAMINATION	13
SECTION 2. REVIEW OF EXAMINATION PAPERS	14
RULE VIII. APPOINTMENT	14
SECTION 1. TYPES OF APPOINTMENTS	14
SECTION 2. PERMANENT APPOINTMENT	14
SECTION 3. CONFIDENTIAL APPOINTMENT	14
SECTION 4. PROVISIONAL APPOINTMENT	14
SECTION 5. RESERVED.....	14
SECTION 6. SEASONAL APPOINTMENT	14
SECTION 7. LATERAL ENTRY	14
SECTION 8. LIMITED APPOINTMENT	14
SECTION 9. UNDERFILL APPOINTMENT.....	14
RULE IX. CHANGES IN ASSIGNMENT	14

SECTION 1. SALARIES FOR CHANGES IN ASSIGNMENT	14
SECTION 2. PROMOTION	15
SECTION 3. TRANSFER.....	15
SECTION 4. OUT OF CLASS ASSIGNMENT	15
SECTION 5. ON-CALL DUTY	15
SECTION 6. VOLUNTARY DECREASE.....	16
RULE X. PROBATION.....	16
SECTION 1. TYPES OF PROBATION	16
SECTION 2. ORIGINAL PROBATION	16
SECTION 3. PROMOTIONAL PROBATION	16
SECTION 4. EXTENSION OF PROBATION	17
SECTION 5. OBJECTIVE OF PROBATIONARY PERIOD.....	17
SECTION 6. COMPLETION OF PROBATION	17
SECTION 7. REEMPLOYMENT	17
RULE XI. CLASSIFICATION.....	17
SECTION 1. PREPARATION OF PLAN.....	17
SECTION 2. ADOPTION, AMENDMENT AND REVISION OF PLAN	17
SECTION 3. ABOLITION OF POSITION.....	17
SECTION 4. ALLOCATION OF POSITIONS	17
SECTION 5. NEW POSITIONS	17
SECTION 6. RECLASSIFICATION.....	18
SECTION 7. TITLE OF POSITION	18
RULE XII. ATTENDANCE AND LEAVES.....	18
SECTION 1. ATTENDANCE	18
SECTION 2. ANNUAL LEAVE	18
SECTION 3. SICK LEAVE	19
SECTION 4. DONATION OF LEAVE:	22
SECTION 5. ADMINISTRATIVE LEAVE:	22
SECTION 6. BEREAVEMENT LEAVE:	22
SECTION 7. MILITARY LEAVE.....	22
SECTION 8. LEAVE WITHOUT PAY	22
SECTION 9. LEAVE DUE TO ILLNESS OR INJURY:.....	23
SECTION 10. JURY LEAVE & SUBPOENA LEAVE.....	23
SECTION 11. FAMILY AND MEDICAL LEAVE: (REV 2008)	23
SECTION 12. RESERVED.....	25
SECTION 13. MISCELLANEOUS LEAVE	25
SECTION 14. INDUSTRIAL LEAVE BENEFITS:.....	25
SECTION 15. RESERVED.....	26
SECTION 16. UNAUTHORIZED ABSENCE.....	26
RULE XIII. HOLIDAYS.....	26
RULE XIV. COMPENSATION:.....	27
SECTION 1. APPLICATION OF RATES.....	27
SECTION 2. ADVANCEMENT WITHIN SALARY SCHEDULE	27
SECTION 3. ADVANCED SALARY	27
SECTION 4. OUT-OF-CLASS ASSIGNMENT	27

SECTION 5. PROMOTIONS,	27
SECTION 5A. TRANSFERS	28
SECTION 6. VOLUNTARY DECREASE.....	28
SECTION 7. DEMOTION.....	28
SECTION 8. REDUCTION IN FORCE	28
SECTION 9. REVERSION.....	28
SECTION 10. SHIFT DIFFERENTIAL	28
SECTION 11. CONFIDENTIAL POSITIONS.....	28
SECTION 12. REEMPLOYMENT	28
SECTION 13. CLASSIFICATION OR RANGE CHANGES	28
SECTION 14. UNDERFILL	28
RULE XV. OVERTIME	28
SECTION 1. POLICY	28
RULE XVI. BENEFITS.....	29
SECTION 1. HOSPITALIZATION INSURANCE	29
SECTION 2. LIFE INSURANCE	29
SECTION 3. INCOME PROTECTION.....	29
SECTION 4. ARIZONA STATE RETIREMENT SYSTEM (ASRS).....	29
SECTION 5. PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)	29
SECTION 6. CLOTHING ALLOWANCE AND UNIFORMS.....	29
SECTION 7. SOCIAL SECURITY	29
RULE XVII. EMPLOYEE DISCIPLINE.....	29
SECTION 1. GENERAL RULE	29
SECTION 2. PURPOSES OF DISCIPLINE	29
SECTION 3. DISCIPLINARY DECISION	30
SECTION 4. TYPES OF DISCIPLINE.....	30
SECTION 5. REASONS FOR DISCIPLINARY ACTIONS, INCLUDING TERMINATION	31
RULE XVIII. GRIEVANCE PROCEDURE	32
SECTION 1. PURPOSE.....	32
SECTION 2. MATTERS SUBJECT TO GRIEVANCE PROCEDURE/EXCEPTIONS	32
SECTION 3. GRIEVANCE PROCEDURE.....	33
RULE XIX. PROCEDURE FOR APPEAL FROM DISCIPLINARY ACTIONS AFFECTING PAY	33
SECTION 1. MATTERS WHICH MAY BE APPEALED.....	33
SECTION 2. PRE-ACTION HEARING.....	33
SECTION 3. REVIEW BY CITY MANAGER	34
SECTION 4. APPEAL TO THE CITY MANAGER	34
SECTION 5. WAIVER OF PERSONNEL APPEALS BOARD HEARING.....	34
SECTION 6. HEARING	34
SECTION 7. REVIEW BY CITY MANAGER	35
SECTION 8. SUPPLEMENTAL HEARING BY THE CITY MANAGER	35
SECTION 9. CITY MANAGER'S DECISION.....	35
SECTION 10. TIME LIMITS	35

RULE XX. REDUCTION IN FORCE.....	35
SECTION 1. PROCEDURE OF NOTIFICATION.....	35
SECTION 2. ORDER OF LAYOFF	35
SECTION 3. REEMPLOYMENT	36
RULE XXI. RESIGNATION AND RETIREMENT	36
SECTION 1. RESIGNATION	36
SECTION 2. WITHDRAWAL OF RESIGNATION.....	36
SECTION 3. RETIREMENT	36
SECTION 4. REINSTATEMENT	36
RULE XXII. RECORDS AND TRAINING	37
SECTION 1. EMPLOYEE RECORDS.....	37
SECTION 2. RESPONSIBILITY FOR TRAINING.....	37
SECTION 3. CREDIT FOR TRAINING	37
RULE XXIII. PERFORMANCE RATING.....	37
SECTION 1. PURPOSE.....	37
SECTION 2. APPLICABILITY	37
SECTION 3. ADMINISTRATION.....	38
SECTION 4. RATING AUTHORITY	38
SECTION 5. REVIEW AUTHORITY.....	38
SECTION 6. SPECIAL RATING PERIODS:.....	38
SECTION 7. REVIEW/APPEAL PROCESS	38
RULE XXIV. HEADINGS	38
RULE XXV. SEVERABILITY	38



Vision for the Future

A community with a thriving economy, evolving and modern infrastructure, and a destination for international business where Downtown remains the HEART of Douglas, showcasing its History, Entertainment, Art, Retail and Tradition, worldwide.

Mission

Enhance quality of life and sustainable growth in our community.

Values

Professionalism
Respect
Integrity
DOUGLAS
Excellence

Work Environment

- Collaborative
- Courteous
- Cross-Functional

Policy Priorities

- Infrastructure
- Downtown Revitalization
- Managing Growth & Annexations
- Economy, Jobs & Amenities
- Community Facilities, Special Events & Tourism
- Streets & Roads

Guiding Principle

Embracing our Heritage, Advancing our Future

RULE I. DEFINITION OF TERMS

The following terms, whenever used in these Rules, shall be defined as follows.

SECTION 1. ALLOCATION

The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

SECTION 2. ANNIVERSARY DATE

The yearly anniversary of the effective date of employment.

SECTION 3. ANNUAL LEAVE

Annual Leave includes all periods of approved absence with pay, which are not chargeable to another category of leave.

SECTION 4. APPOINTMENT

The offer to a person, and the acceptance of a position as authorized by the appointing powers.

SECTION 5. BOARDS

The Personnel Appeals Board and Merit System Board, established as provided in the City Charter, Ordinances, and these Rules and Regulations.

SECTION 6. CLASS

All positions sufficiently similar in duties, authority, and responsibility to permit grouping under common qualifications, compensation and title.

SECTION 7. CLASSIFIED SERVICE

Any position in the City Service covered by these Rules, unless otherwise indicated. (Rev 3/13/15)

SECTION 8. COMPENSATORY TIME

Paid time off given in lieu of overtime payment (money).

SECTION 9. CONFIDENTIAL POSITIONS

Positions in the classified service that are directly involved in and bound to confidentiality as determined by the City Manager.

SECTION 10. DEPARTMENT HEAD

Those officers or employees who are appointed or employed as the principal employee of a department for the discharge of duties provided by law or of particular delegated functions.

SECTION 11. EMPLOYEE

A person employed in a position within the classified service.

SECTION 12. EXAMINATION

A. Open competitive examination.

An examination for a particular position, which is open to all eligible persons meeting the minimum qualifications for the class.

B. Promotional examinations.

An examination for a particular position, admission to the examination being limited to permanent employees in the classified service who meet the minimum qualifications for the class.

SECTION 13. GRIEVANCE

An employee complaint filed in accordance with the grievance procedures established by these rules.

SECTION 14. MERIT INCREASE

A salary increase granted on the basis of meritorious service within the limits of a pay range established for a class.

SECTION 15. ORIGINAL PROBATION

A working test period following initial appointment to a permanent or limited position during which employees are required to demonstrate their capability for the duties to which they are appointed by actual performance of the duties of the position. (Rev 3/13/15)

SECTION 16. OVERTIME WORK

Those hours of work in excess of scheduled work hours as stated in Rule II, Section 8.

SECTION 17. PART-TIME EMPLOYEE

An ~~permanent~~ employee hired on a basis of less than 30 hours per week. (Rev 3/13/15) (Rev 02/09/23)

(Part-time employees do not have to be permanent only, it can be any classification)

SECTION 18. PERFORMANCE EVALUATION

The periodic evaluation of an employee's work reflected on forms prescribed by the Human Resources Manager and approved by the City Manager.

SECTION 19. PERMANENT STATUS

The standing an employee achieves after completion of an original probationary period and having been retained as hereafter provided in these Rules.

Provisional, limited, and seasonal employees shall not be considered permanent employees. (Rev 3/13/15)

SECTION 20. HUMAN RESOURCES MANAGER

The Human Resources Manager shall be an employee appointed by the City Manager and be responsible for the administration of the Merit System Personnel Rules and Regulations and maintaining employee records. (Rev 3/13/15)

SECTION 21. POSITION

An aggregation of tasks and responsibilities requiring the services of one person.

SECTION 22. PROMOTIONAL PROBATION

A working test period following promotion during which employees are required to demonstrate their capabilities for the duties to which they are appointed.

SECTION 23. PUBLIC SAFETY EMPLOYEES

Law Enforcement sworn officers and Fire Department personnel except clerical and support staff.

SECTION 24. REEMPLOYMENT

The appointment of a former permanent status employee who was separated by a reduction in force.

SECTION 25. REGISTER

A file of candidates for a position or class, in final score order, from which hiring lists are prepared.

SECTION 26. RETIREMENT ELIGIBILITY

The status of any employee who meets the minimum requirements as outlined by the Arizona State Retirement System or the Public Safety Personnel Retirement System.(Rev 2008)

SECTION 27. REVERSION

The return of an employee on promotional probation to a position in the class in which the employee held permanent status immediately prior to the promotion.

SECTION 28. SEASONAL EMPLOYEE

An employee hired on a seasonal or intermittent basis, not to exceed 800 hours in a calendar year.

SECTION 29. SICK LEAVE

Time off with pay granted by the City to permanent and limited status employees in the event of personal or family illness, as defined in Rule XII. Section 3.(Rev 2008)

SECTION 30. RESERVED (Rev 3/13/15)

SECTION 31. LIMITED EMPLOYEE

A limited status employee shall have limited benefits as described throughout these rules and shall have no expectation of continued employment with the City of Douglas. (Rev 3/13/15)

SECTION 32. SEPARATION WITHOUT PREJUDICE

The removal, without appeal rights, of an employee from the City service due to the inability of an employee to return to work at the conclusion of a leave without pay or a leave due to illness or injury.

RULE II. GENERAL PROVISIONS

SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY

The City of Douglas is committed to principles of equal employment opportunity as defined under federal and state law and does not discriminate on the basis of race, color, religion, sex (including pregnancy), national origin, disability, age, 00225722

or genetics; or any other characteristic protected by state or federal law, in its employment practices, programs or operations. Retaliation against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice is prohibited. (Rev 3/13/15)

The City of Douglas expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status or any other characteristic protected by state or federal law. (Rev 3/13/15) (Rev 02/09/23)

(Added statement will cover any categories state or federal law will add in the future.)

The Human Resources Department serves as the Equal Opportunity Coordinator and has overall responsibility for ensuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and assisting the City in meeting its objectives. (REV. 1/14/04)(Rev 2008)

SECTION 2. VIOLATION OF RULES

Violation of the provisions of these Rules shall be grounds for rejection of applicant or disciplinary action.

SECTION 3. AMENDMENT AND REVISION OF RULES

The City Manager shall prepare Personnel Rules which shall be proposed to the Council and the Council shall adopt them with or without amendment. Proposed amendments and revisions to these Rules shall be reviewed by the Standing Personnel Committee prior to submission to Council. Amendments and revisions to these Rules shall become effective upon adoption of an appropriate Ordinance by the City Council. (Rev. 8/8/07)

SECTION 4. UNCLASSIFIED SERVICE

- A. These personnel rules and regulations do not apply to:
 - 1. Elected officials and members of boards and commissions who are not City employees.
 - 2. Independent Contractors providing service to or on behalf of the City pursuant to a contract.
 - 3. City Attorney, City Magistrate and City Physician, if serving as independent contractors and not as salaried employees.
- B. Except for Rule III (Conditions of Employment), Rule XII (Attendance and Leave), Rule XIII (holidays), Rule XVI (Benefits) and Rule XXI (Resignation and Retirement), these Personnel Rules do not apply to:
 - 1. City officers appointed by the Mayor with concurrence of the City Council: (Rev 3/13/15)
 - (a) City Manager
 - (b) City Attorney if a salaried employee
 - (c) City Magistrate if a salaried employee
 - (d) City Clerk
 - (e) City Treasurer
 - 2. Department Heads to include: (Rev 3/13/15) (Rev 02/09/23)
 - (a) Deputy City Manager
 - (b) Public Works Director ~~(/City Engineer)~~
 - (c) Deputy Public Works Director
 - (d) Finance Director
 - (e) Police Chief
 - (f) Fire Chief
 - (g) Deputy Fire Chief
 - (h) Community Services & Economic Development Director
 - (i) Neighborhood Resources & Grants Director
 - ~~(g)~~ Other department heads

(Update list of at will directors)

The city officers and department heads listed in paragraphs B (1) and (2) of this Section are unclassified "at will" employees who are not entitled to the grievance procedures or other provisions of these Personnel Rules and Regulations except as specifically listed in this section, Rule II, Section 4. (Rev 3/13/15)

SECTION 5. PERSONNEL APPEALS BOARD

The Personnel Appeals Board will consist of five (5) residents who must be qualified electors of the City of Douglas and are appointed by the Mayor, with the approval of the Council to perform the following:

- A. Hear appeals submitted by employees provided in Rule XIX of these Rules and Regulations.
- B. Hear discrimination charges submitted by employees as defined in the City of Douglas Affirmative Action Plan. (Rev 3/13/15)

SECTION 6. MERIT SYSTEM BOARD

The Merit System Board shall consist of five (5) residents who must be qualified electors of the City of Douglas and appointed by the Mayor, with the approval of the Council to perform the following:

The Board will meet annually to review the City's hiring practices and make recommendations to the City Manager whenever necessary to ensure that the City's hiring procedure and practices are fair and nondiscriminatory. To that end, the Board may review statistical data on affirmative action, observe interviews of applicants for positions with the City, and, with City Manager approval, take whatever other action is reasonable and appropriate to monitor the City's hiring procedures, and make recommendations as needed. In addition, at the request of the City Manager, the Board may serve as an advisory appeals board to review complaints about the City's hiring processes.

SECTION 7. OUTSIDE EMPLOYMENT

Outside employment of ~~full-time~~ personnel shall not be permitted except with written concurrence of the Department Head and written permission of the City Manager. Such permission will not be given if it is determined that such outside employment is likely to hamper the employee's ability to do the job required by the City, if it is likely to reflect discredit on the City service or the employee; or if it is in conflict with one's position as a City employee. Requests, approved or denied, shall be made a part of the employee's personnel file. Outside employment requests shall be renewed annually. As a general rule, it is presumed that outside employment of fulltime personnel in excess of 20 hours per week will hamper an employee's ability to perform. Accordingly, outside employment of fulltime personnel that will exceed 20 hours per week will be denied unless the Department Head and City Manager grant specific approval in a given situation. (Rev 02/09/23)

(Allows for the review of outside employment for other than fulltime employees as well to ensure there is no conflict of interest with the positions held.)

SECTION 8. CITY WORK SCHEDULE

All full-time City employees are required to work 40-hours within a 7-day work period, with the exception of Fire Department shift personnel, who will work a 212-hour 28-day work period. The work period determines the payment of overtime at time and one half. In determining overtime, regularly scheduled and substitute holidays will be treated as days worked. (Rev 2008) (Rev 3/13/15)

The Manager may allow for flexible scheduling within the 7-day, 40-hour work period.

Any changes in the City work schedule and/or method of over-time compensation will be set by the City Manager in compliance with F.L.S.A. (Fair Labor Standards Act) and appended to these Rules.

SECTION 9. APPOINTMENT TO BOARDS, COMMISSIONS OR COMMITTEES

No City employee shall be appointed to a City Board, Committee or Commission without the approval of the City Manager. The City Manager will insure there is no appearance of impropriety or conflict of interest as a result of a City employee's spouse or family member sitting on a particular Board, Committee, or Commission.

SECTION 10. ETHICS

It is the policy of the City of Douglas to uphold, promote and demand the highest standards of ethics from all of its employees. Accordingly, all city employees should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, and never use their city positions or powers for improper personal gain. A full ethics program will be carried out administratively among all employees. (Rev 3/13/15)

SECTION 11. PRIORITY OF LAW

In the event of conflict between these rules and any state, or federal law or regulation, the terms and conditions of the state or federal law or regulation shall prevail. In all other cases, these rules and regulations shall apply. (Rev 3/13/15)

RULE III. CONDITIONS OF EMPLOYMENT

SECTION 1. LOYALTY OATH

All employees are required to sign a loyalty oath at time of employment as required by State Law.

SECTION 2. POLITICAL ACTIVITY PROHIBITED

City employees are prohibited from any political activity that interferes with daily operations during their work shift or the use of any City equipment for political purposes. This includes campaigning in City uniform on the employee's own time. Additionally, political activity is prohibited as outlined in ARS 9-500.14.

(Include reference to the current ARS statute outlining limitations)

No employee of the City of Douglas shall be a candidate for nomination or election to a City of Douglas elective office,
00225722

i.e, Mayor and Council Seats.

No City Officer or Department Head shall be a candidate for nomination or election to any paid elective office. Other City employees shall take a leave of absence in order to run for any paid elective office. The leave of absence shall take effect upon filing of petitions qualifying his/her candidacy and will continue until the election. If employee wins the election, the leave of absence shall convert to a voluntary resignation effective upon certification of election results. Vacation and sick leave will not accrue during the leave of absence. COBRA provisions will be extended for continuation of health benefits.

SECTION 3. SOLICITATION ACTIVITY PROHIBITED

The City of Douglas prohibits solicitation and distribution on its premises by supervisors, non-employees and anyone selling for profit. This includes offering to sell or selling any merchandise or services, or engaging in any other solicitation, distribution, or similar activity on City premises.

No elected or appointed officer or employee of the City shall solicit any contribution in cash or services from any City employee to support any candidate for public office.

SECTION 4. RESIDENCE REQUIREMENT

All employees of the City are required to establish and maintain their primary legal residence within sixty (60) miles (Department Heads and Water and Waste Water utilities employees within ten (10) miles) of the corporate limits of the City within three (3) months after the completion of probation. All must reside within the United States. In cases of extreme hardship, the period of establishing residence may be extended by the City Manager. For purposes of this section, "primary legal residence" means the place where an employee actually lives and dwells, with the intent to make it their permanent and primary home. ~~This rule will be reevaluated by March 16, 2023.~~ (Rev 3/16/18) (Rev 02/09/23)

(Rule was reviewed and mileage limits will remain the same going forward.)

As outlined by ARS 9-500-~~476~~, this requirement does not apply to public safety employees, except for the Police Chief, Fire Chief and Deputy Fire Chief. (Rev 12/13/19)

SECTION 5. POLYGRAPH EXAMINATIONS

Employees who are witnesses to or the subject of an internal investigation and/or the complaint alleges violation(s) of these rules, or criminal laws or involves matters concerning moral turpitude, may be required by the City Manager to submit to a polygraph examination which has narrowly defined parameters (to the extent permitted by State or Federal Law, such as ARS 38-1108). The City Manager shall not be arbitrary or capricious in the decision and shall not order a polygraph unless authorized by this rule. (Rev 02/09/23)

(Include reference to the current ARS statute outlining limitations)

A polygraph test shall be required prior to appointment as a Police Department employee, except for employees in the Humane Division. (Rev 3/13/15)

SECTION 6. PHYSICAL EXAMINATION

After a contingent job offer is made but before final hiring for a permanent or limited position classified in a non-office setting, a physical examination will be required, at the City's expense, at a clinic designated by the City. Drug testing will be required for employees as set out in Section 8 of this Rule. (Rev 2008) (Rev 3/13/15)

SECTION 7. EMPLOYMENT ELIGIBILITY

All employees and applicants for City employment must provide verification of employment eligibility as required by the Department of Homeland Security/ U.S. Citizenship and Immigration Services (USCIS). All employees and applicants for law enforcement must be U.S. Citizens. Verification shall be done as required by USCIS. (Rev. 8/8/07) (Rev 12/13/19)

SECTION 8. DRUG & ALCOHOL FREE WORKPLACE POLICY (Rev 3/13/15)

A. Purpose: To establish rules governing the maintenance of a drug-free workplace to (1) ensure the health and safety of city employees, (2) continue the provision of high-quality services to the general public, and (3) comply with federal and state laws and regulations for a uniform, government-wide, drug-free workplace effort;

B. Policy statement: The City follows a zero tolerance policy in maintaining a drug free workplace. Reporting for work under the influence of alcohol or drugs, or any substance which impairs an employee's mental or physical capacity will not be tolerated. The use of illegal drugs or the misuse of legal drugs or alcohol by any employee is expressly prohibited, as is the presence in any employee's system of a prohibited drug or drug metabolite. The possession, sale or distribution of drugs, alcohol, or any illegal substance by an employee during regular working hours while on City business or while on City property is expressly prohibited except as

00225722

excepted in police department policies and procedures. (rev. 1/14/04)

C. The following definitions apply to the Drug-free Workplace Policy:

1 Alcohol: Ethanol, isopropanol, or methanol.

2. Drugs/Controlled Substances: The terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, drugs and controlled substances include but are not limited to: barbiturates, cocaine, opiates (heroin, codeine), propoxyphene, amphetamines (including methamphetamine), benzodiazepines (valium, librium), methadone, phencyclidine (PCP), methaqualone, and cannabinoids (THC).

3. Reasonable Suspicion: A belief based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of an employee, and reasonable inferences drawn from those observations that suggest an employee is using drugs or alcohol while on the job or is under the influence of drugs or alcohol while on the job.

Reasonable suspicion may arise from, but is not limited to, the following:

- a. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- b. Abnormal conduct, erratic behavior, tardiness;
- c. Physical symptoms (i.e. glassy eyes, slurred speech, unsteady gait, red eyes, running nose);
- d. Smell of alcohol or marijuana;
- e. Deterioration in work performance or physical appearance;
- f. A report of drug or alcohol use on the job or immediately preceding work, if provided by reliable and credible sources that witnessed the use, and if independently corroborated; (Rev 3/13/15)
- g. Evidence that an individual has tampered with a drug or alcohol test during his/her employment with the current employer;
- h. Objective evidence of use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on employer premises.

4. Employee: For the purpose of the Drug-Free Workplace Policy, "employee" includes all regular full-time, regular part-time, probationary, limited, provisional, seasonal and contract personnel. "Employee" does not include employees of other agencies who are performing work for the City of Douglas. (Rev 3/13/15)

5. Safety sensitive work: Work involving the operation of heavy equipment or driving a vehicle for which a Commercial Driver's License (CDL) is required and as defined by the Federal Transit Administration (FTA) & the Federal Motor Carrier Safety Administration (FMCSA), plus time spent waiting to be called to such work; police, fire and ambulance and other emergency services; lifeguards; and any other employment which involves the use of dangerous equipment or provision of services directly impacting the public health and safety. (Rev 3/13/15)

6. Zero Tolerance: Employees in Violation of this policy are subject to dismissal from City service. (rev. 1/14/04)

D. Over the Counter or Prescribed Medication: Employees taking prescription or over-the-counter non-prescribed drugs or medication which might interfere with the performance of their job duties shall report the usage of the drug or medication to their supervisor before going on duty. Employees taking such drugs or medication are responsible for knowing any side effects of the medication, which might interfere with job performance based upon the prescribing physician's advice or the warning on the medication label.

E. Applicants and Employees Subject to Testing:

1. Pre-Employment Testing for Initial Employment: All applicants being considered for employment to positions that are regulated by the FTA & the FMCSA or public safety positions shall be required to submit to, and successfully pass, a drug screen urinalysis after a conditional offer of employment is made by the City. The offer of employment shall be contingent upon a negative drug screening. If an applicant fails to pass the pre-employment drug screening, the applicant will be disqualified from consideration for employment and shall not be eligible to apply for employment with the City for a period of six months from the date of the initial positive drug test result. (rev. 1/14/04) (Rev 2008) (Rev 3/13/15)

An applicant's failure to submit to the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he/she applied.

2. Reasonable Suspicion Testing: If the City has reason to suspect that an employee is violating this policy or when there is reasonable cause to believe an employee is under the influence or is impaired by alcohol and/or drugs, the City may require the employee to submit immediately to medical tests administered for drug or alcohol testing which include the chemical analyses of breath, urine, saliva

and/or blood. A written record of the observations and facts leading to the reasonable suspicion test shall be made by the supervisor before the test, or within 24 hours, whichever is earlier. The employee shall not engage in safety sensitive work for eight hours after the observation, unless the employee tests negative for drugs and alcohol in less time. If the test is not administered within two hours following the observation, the supervisor shall document the reasons for the delay. If alcohol test is not administered within eight hours, it will not be given. If drug test is not given within 32 hours, it will not be given. (Rev 3/13/15)

3. Post-Triggering Incident: Employees involved in the following circumstances shall be required to submit to a drug and/or alcohol test:
 - a. Those whose use of City equipment or vehicle results in an accident in which someone is fatally injured.
 - b. Those whose use of City equipment or vehicle result in an accident involving tow-away and/or medical assistance or have received a citation from a third party law enforcement official.
 - c. Those whose use of City equipment or vehicle results in an accident under circumstances that raise a reasonable suspicion that the driver or operator was under the influence of drugs or alcohol, even if no personal or property injuries resulted, provided that the post-accident alcohol testing must occur within eight hours of the accident, and post-accident drug testing must occur within 32 hours of the accident. (Rev 3/13/15)
4. Re-employment or Re-entry in Workforce. Any individual who returns to work after an absence of 90 consecutive days or more to a FTA or FMCSA regulated or public safety position shall be required to submit to a drug test prior to resuming work. (Rev. 8/8/07)(Rev 2008) (Rev 3/13/15)
5. Follow-up Testing. In the event an employee has been offered a rehabilitation option in accordance with Section I of this policy, the employee shall be subject to random drug testing for one year following the completion of a rehabilitation program. If an employee's follow up test results are positive, no further rehabilitation will be attempted and the employee will be subject to dismissal. (Rev 3/13/15)

F. Policy Violation:

1. Alcohol. An employee who tests positive for alcohol while on City business during the employee's regular working hours or while on City property during the employee's regular working hours shall be in violation of this policy. An alcohol test is considered positive if the alcohol level is .04 or above. (rev. 1/14/04)
 - a. Employees testing at a .02 alcohol concentration or greater but less than a .04 alcohol concentration will be disciplined, but not terminated, based solely on the test result alone. The employee immediately shall be removed from the work site. The employee may not return to duty within eight (8) hours of the first test unless the employee repeats the breath test and has an alcohol concentration that measures less than .02. The employee shall be placed on paid leave that shall be deducted from annual leave. An employee who does not have sufficient leave will be charged leave without pay. (rev. 1/14/04)
2. Drugs: An employee who tests positive for drugs shall be in violation of this policy.

G. Effect of Failure to Comply with Policy: An employee who fails to submit to a drug or alcohol test as required by this policy or who violates any aspect of this policy is subject to disciplinary action up to and including dismissal.

H. Reserved (Rev 3/13/15)

I. Rehabilitation. (rev. 1/14/04)

1. When an employee self reports a substance abuse problem prior to taking a drug test which results in a confirmed positive or prior to taking an alcohol test with a result greater than .04; and prior to being notified that the employee has been selected for random testing, reasonable suspicion testing or post-triggering incident testing; the employee will be allowed to enroll in a drug or alcohol counseling or rehabilitation program for the purpose of enabling the employee to permanently cease the prohibited conduct. The program must be one approved by the City. Cost of rehabilitation or counseling shall be the responsibility of the employee. (Rev 3/13/15)
2. An employee who elects to participate in a drug or alcohol counseling or rehabilitation program shall enter into a written agreement to that effect. At the employer's discretion, the employee shall participate in unannounced testing at any time during the period of the employee's participation in the substance abuse treatment program or for a period of 12-months immediately following the commencement of the employee's counseling or rehabilitation program. A confirmed positive drug or alcohol test during the 12-month period shall be grounds for automatic termination.

J. Searches: The City of Douglas, through its designated managers and supervisors, reserves the right to search all areas and property of which the City maintains complete control or joint control with the employee. An employee's locker, closet, work area, desk, desk files, computer files, city-owned vehicle, and similar areas are subject to inspection for purposes of this policy.

K. Confidentiality: All investigations, searches, and testing shall be conducted as privately as practical. The results of drug or alcohol screening tests shall not be included in an applicants' or an employee's file but shall be retained by the Personnel Office in a separate medical file. Any conditions of employment, which may be established as a result of the drug test (i.e. a written agreement for rehabilitation in lieu of discipline), will become part of the employee's personnel file.

Except as required by State or federal law, test results and ancillary information may be disclosed to management personnel only on a need-to-know basis or to any person upon the written consent of the employee or applicant. Information normally should be limited to the supervisor, the City Manager, the Human Resources Office, and legal counsel. Failure to maintain confidentiality by any employee shall be grounds for discipline.

L. Employee Responsibilities:

1. Pursuant to the Federal Drug-free Workplace Act of 1988, the City of Douglas prohibits the unlawful manufacture, use, possession or distribution of controlled substances in the work place. As a part of this law, employees have the following responsibilities:
 - a. To abide by the terms of the City drug-free workplace policy; and
 - b. To notify their supervisor or department head of any criminal drug statute arrest for a violation occurring in the workplace no later than five days after such arrest.
 - c. To notify their supervisor or department head of any criminal drug statute conviction no later than five days after such conviction.
 - d. To notify their supervisor or department head of any arrest involving driving under the influence of drugs or alcohol (DUI) no later than five days after such arrest.
2. It is each employee's responsibility to immediately report to the supervisor, department head or Human Resources office, any unsafe working conditions or hazardous activities that may jeopardize the safety of employees. This includes the duty to immediately report any violations of the drug and alcohol policy. An employee who fails to report such a violation is subject to disciplinary action up to and including dismissal.
3. All employees will be required, as a condition at employment, to sign a statement that the employee has:
 - a. Received a copy of the City's Drug-free Workplace Policy;
 - b. Agreed to abide by the terms of the policy;
 - c. Agreed to notify the supervisor or appropriate representative of the City within five days, of a criminal drug statute arrest for a violation occurring within the workplace and for a criminal drug statute conviction.

M. Management Responsibilities:

1. Management personnel shall be responsible for the implementation and consistent enforcement of this policy, together with the Personnel officer or designee. Management personnel who fail to enforce this policy are subject to disciplinary action up to and including dismissal.
2. Supervisors will be trained in the early detection of impairment by alcohol, drugs, and substance abuse. Supervisors must document, in writing, the facts constituting reasonable cause for drug and/or alcohol testing or for violation of this policy.
3. Management must inform any employee being required to submit to drug or alcohol testing of the requirements of this policy and the consequences of non-compliance.

N. Drug and alcohol Testing Methodology:

Every reasonable effort will be made to obtain the most accurate drug or alcohol test results. Testing procedures will include a two-tiered testing program to ensure maximum accuracy in the test results, observations of specimen collection and chain-of-custody documentation. A two-tiered procedure means that an initial positive test will be confirmed by the use of a gas chromatography test with mass spectrometry (GC/MC) or an equivalent scientifically accepted method, which provides quantitative data about the detected drug.

Employees shall be provided an Official Notice of Procedures for Split Specimen Testing at the time of the drug screen. This written notice will inform employees that following a positive screen from the initial test and a positive screen from the confirmation test, a portion of the specimen sufficient for testing from a positive sample may be transferred directly from the testing laboratory to another independent certified laboratory and

tested at the employee's own expense. The laboratory selected must be certified by the Substance Abuse Mental Health Services Administration (SAMHSA). (rev. 1/14/04)

The Official Notice of Procedures for Split Specimen Testing shall also inform an employee that the initiation of a transfer must occur within 72 hours of the employee's notification of the positive screen. An employee, upon request, may obtain his/her written test results.

O. Procedures:

Procedures to be followed by management for the enforcement of this policy are available for review at the Human Resources office or in department with the department head. A description of the testing methods and collection procedures is available for review in the Human Resources Office.

P. FTA & FMCSA regulated positions: (Rev 3/13/15)

All employees whose positions are regulated by the FTA and FMCSA shall comply with the United States Department of Transportation (USDOT) rules for drug and alcohol testing from the FTA and FMCSA. The federal rules, which are set out in 49 CFR parts 40, 382 and 655 as they may be amended from time to time, are adopted by reference as part of this policy, with respect to employees performing safety sensitive functions as defined by federal regulation and this policy. (Rev 3/13/15)

The federal rules require pre-employment, post-accident, reasonable suspicion, random testing and follow up testing for alcohol and drugs through the use of saliva screens and/or breathalyzers and urine samples. Procedures and rules for testing of FTA and FMCSA regulated position are available in the Human Resources Department. (Rev 2008) (Rev 3/13/15)

Q. Police, Fire, and Other Employees in Safety Sensitive Jobs:

In addition to the testing required by this policy, the police department, fire department and other departments whose employees perform safety sensitive jobs may, by written policy, establish stricter testing requirements than that set out in this policy, including, but not limited to, non-discriminatory random testing, requirements for drug testing upon promotion, requirement for testing upon reports from a reliable informant that an employee performing a safety sensitive job has violated this policy, even if the report is not independently corroborated, and, for police personnel, requirement for testing upon transfer to or from a narcotic or drug related assignment.

SECTION 9. PRIOR EMPLOYEES

Employees, dismissed for cause, or who resign in lieu of termination, will not be considered for re-hire for a period of 10 years after leaving City employment unless earlier rehiring is expressly allowed on a case-by-case by the City Manager with the Department Head's approval.

Employees who do not submit a Notice of Resignation as required by these Rules, unless shorter notice is approved by appropriate Department Head, will not be considered for future employment with the City for a period of 10 years after leaving City employment unless earlier rehiring is expressly allowed on a case-by-case by the City Manager with the Department Head's approval.

SECTION 10. EMPLOYMENT COMMITMENT FOR TRAINING

The City Manager may, by policy directive, require employees or prospective employees to execute a Service Commitment Agreement if the City pays the cost of providing training or education to the employee or prospective employee. Such an Agreement would require the employee or prospective employee to commit to a minimum period of employment with the City and would require repayment of the training and education costs should the employee or prospective employee fail to successfully complete the training or fail to successfully complete employment for the minimum commitment period. Any policy directive regarding Service Commitment Agreements shall be appended to these Rules. (Rev 2008)

SECTION 11 EMPLOYEE-LABOR RELATIONS:

Eligible employees may choose to be represented by a recognized public employee organization under the authority and in accordance with the City Code and applicable federal and state laws.

Supervisors shall be ineligible for membership in employee organizations. For purposes of this rule, the term "supervisor" shall be defined as any employee having authority, on a permanent basis, in the interest of the City of Douglas, to recommend hire, transfer, suspension, lay-off, promotion, termination, or discipline of other employees, or be responsible to direct them, or to adjust their grievances, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Any job classified as "supervisory," shall have the designation included on the official City job description. This shall include any long-term (more than four months) out-of-class assignment. (rev. 1/14/04)

RULE IV. RECRUITMENT

SECTION 1. FILLING OF VACANCIES

All vacancies in permanent and limited positions shall be filled through open competitive recruitment, except as otherwise provided in these Rules.

SECTION 2. NOTICE

- A. Internal Notice: Open competitive vacancies for non-supervisory positions shall be announced internally within the City for five (5) working days before the vacancies are opened for outside competition. Notice shall be given by posting the job announcements on official City bulletin boards and as otherwise deemed appropriate by the Human Resources Manager. Permanent and Limited Status employees that have successfully completed an original probation may compete for internal hiring and selection will be made in accordance with the selection criteria set out in Rule V of these Rules and Regulations. This same notice shall be given for supervisory positions when they are advertised internally. (Rev. 8/8/07)
- B. Public Notice: At the close of the internal posting period for non-supervisory positions, if a suitable hiring list of three or more candidates has not been certified, the Human Resources Manager may announce the position for not less than five (5) working days prior to closing, with an opening and closing date publicly. Supervisory positions may be announced publicly for not less than five (5) working days without having to be announced internally first. ~~City employees applying for a position that has been announced publicly will compete with outside applicants with five bonus points added to their overall score pursuant to Rule V of these Personnel Rules and Regulations.~~ Public notice shall consist of posting job announcements on official bulletin boards or as otherwise deemed appropriate by the Human Resources Manager.

(Removes an advantage due to seniority or City employment and leaves it completely up to merit)

SECTION 3. CONTENT OF ANNOUNCEMENT

The announcement shall specify the title and pay range of the class for which the examination is announced: the essential functions of the job or where this information may be obtained; minimum qualifications; any special qualifications; the manner of making application and any other pertinent information.

SECTION 4. APPLICATION FORMS

Application shall be made as prescribed on the position announcements. Application forms shall require information covering training, experience and other pertinent information. The person applying for a position must sign all applications that are submitted for employment consideration. (Rev 3/13/15)

SECTION 5. DISQUALIFICATION

The Human Resources Manager may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant has made any false statement of any material fact or practiced any deception or fraud in the candidate's application or in the interview process. When an application is rejected, the Human Resources Manager shall mail notice of such rejection with statement of reason to the applicant. (Rev 3/13/15)

SECTION 6. HIRING OF RELATIVE-NEPOTISM

~~Nepotism is prohibited pursuant to the provisions of Arizona Revised Statute 38-481. Additionally, t~~The City shall not permit ~~permanent~~ employees related within the third degree of consanguinity (blood) or affinity (marriage) to work within the city service where one employee exerts operational or supervisory control, ~~or working in the same class within the same division,~~ over the other employee. Spouses are subject to the same conditions as are unmarried couples that live together as though married. Should a marriage or equivalent partnership arrangement between employees result in one having operational or supervisory control over the other ~~or result in working in the same class within the same division,~~ intradepartmental or interdepartmental transfers must be made to the same or lower classification. If a transfer cannot be accomplished, ~~as determined in the sole discretion of the City,~~ one party must resign from the City service. A temporary exemption to this policy may be requested by the Department Director and authorized by the City Manager, when the exemption is in the best interest of the City and the City Manager can ensure that there is no violation of ARS 38-481 (Rev 2008) (Rev 02/09/23)

(Adds the Arizona Revised Statute associated with conflict of interest; removes the exclusion of related employees being able to work within the same division, except when supervisory or operational control is there; provides the City Manager the ability to grant a temporary exemption as long as there is no violation of ARS 38-481.)

For the purpose of this Rule, persons related within the third degree shall include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, first cousin, niece, or nephew who are related to the employee by marriage (common law included) or blood. (Rev 2008)

No provisions of this rule shall exclude relatives of City Council or City appointed boards, commissions or committees, as herein defined, from entering the City service.

00225722

RULE V. SELECTION OF EMPLOYEES

SECTION 1. MINIMUM QUALIFICATIONS

The Human Resources Manager shall screen applications for minimum qualifications as established for each classification. Only those applicants meeting the minimum qualifications will be considered for employment. When no applicants meeting minimum qualifications apply, a competitive underfill may be considered by the department head. (Rev 02/09/23)

(Allows for on the job training for an applicant that does not meet minimum qualifications, if no one meeting qualifications has applied during the posting of the position.)

SECTION 2. INTERVIEWS:

The Human Resources Manager will rank applicants meeting the minimum qualifications according to training and experience with input as needed from department heads or others. An interviewing panel picked by the Department Head and Human Resources Manager will interview the top-ranking applicants. Reasonable and appropriate testing may be administered to ascertain the skills and knowledge of applicants for the position. A Subject Matter Expert may be utilized to provide technical input during the interview process for a specific position. (Rev 12/13/19)

SECTION 3. SELECTION CRITERIA (Rev 02/09/23)

- A. Ranking system applicable to internal and outside competitions. All applicants who meet the minimum qualifications will be ranked and selected through the use of a scoring system worth up to 100 points which will be awarded to an applicant based on the following criteria:

<u>Category:</u>	<u>Total points possible:</u>
Knowledge, Skills and Abilities to perform the required work:	80 points
Relevant Education and Training:	10 points
Relevant Work Experience:	10 points
Total possible points:	100

- ~~B. Additional points allowable in internal competitions: In internal competitions, the applicant with the most years of City service will receive two (2) bonus points while the employee with the most years of service in the division (or if there is no division, in the department) in which the vacancy exists will receive three (3) bonus points. Furthermore, up to 10 points may be added or subtracted based on an employee's prior work record with the City. (Rev 2008)~~

- ~~C. Additional points allowable in outside competitions: Where a position has been opened for outside competition, all permanent and limited status City employees competing for the position will be awarded five bonus points. (Rev. 8/8/07)~~

(Removes an advantage due to seniority or City employment and leaves it completely up to merit)

- ~~D. Departmental Use of Other Selection Criteria. A department may establish written selection criteria which are more specific or detailed than those contained in this Section. Those criteria may be used by the department in selecting employees if the criteria are substantially equal to the Selection Criteria contained in these Rules and if the criteria have been approved in advance by the Department Head, Human Resources Manager and City Manager.~~

SECTION 4. REGISTER

The Human Resources Manager shall establish a register in the order of the final scores of the candidates as determined by the interviews, examinations, references and other appropriate information.

SECTION 5. CERTIFICATION

From an established register the Human Resources Manager will certify a hiring list. The Human Resources Manager will submit the hiring list of candidates to the appropriate Department Head to be considered for employment. For a single vacancy the Human Resources Manager shall send the names of the top score group (provided those candidates in the top score group all have the same score and are at least three individuals); or the three (3) candidates with the highest final ratings. For multiple vacancies, the Human Resources Manager shall refer one additional name for each additional vacancy. The Human Resources Manager shall also certify names of all qualified applicants for re-employment.

SECTION 6. SELECTION

After coordinating the testing, interviews and checking of references with the Human Resources Manager, the Department Head shall furnish the Human Resources Manager, in writing, a recommendation for employment to include any recommendations for placing remaining applicants on an Eligibility List. All documents will be returned to the Human Resources Manager, who will advise the City Manager of the recommended employment of the selected applicant and City Manager will either approve or disapprove the recommendation.

The above applies to all potential employees except those mentioned in Rule II, Section 4.

RULE VI. EMPLOYMENT LISTS

SECTION 1. REGISTERS

Permanent employment registers will be established and maintained by the Human Resources Manager based on the determination by the Human Resources Manager that the applicant has met the minimum requirements for a position based on the employment application plus the results of any testing and interviews. The Human Resources Manager based on evaluations of applicant training and experience will establish registers for seasonal positions. (Rev 3/13/15)

Related registers: If a vacancy occurs in a class for which there is no register, the Human Resources Manager may prepare a register for the class from one or more existing related registers, upon approval of the City Manager.

Duration of Registers: Employment registers for all Departments except Police and Fire will remain active for seven (7) months. On approval of the City Manager, a Department Head may extend the Register for five (5) additional months.

Registers for the Police and Fire Departments will remain in effect for thirteen (13) months. On approval of the City Manager, the Department Head may extend the Register for five (5) additional months. (Rev 2008)

SECTION 2. ELIGIBILITY LISTS

The Human Resources Manager shall prepare and keep available an eligibility list at the request of the appropriate department head consisting of the names of candidates who have been interviewed for a particular position. Upon additional vacancies for that or a closely related position, these candidates may be considered for direct hire without being re-interviewed.

Duration of eligibility lists: Non-public safety eligibility lists will remain active for 90 days from the date filed with the Human Resources Manager. Public Safety eligibility lists will remain active the same amount of time as their respective register. (Rev 2008)

SECTION 3. REMOVAL OF NAMES FROM LIST

The name of any person appearing on any type of employment list shall be removed by the Human Resources Manager upon the written request by the eligible person, or if the eligible person fails to respond to notice by regular first class mail, to the last known address. The names of persons on any type of employment lists who resign from City service shall automatically be dropped from such lists.

RULE VII. EXAMINATION

SECTION 1. NATURE AND TYPES OF EXAMINATION

The selection techniques used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which, in the opinion of the Human Resources Manager, and City Manager, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates; such as, but not necessarily limited to, training and experience evaluations, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work records, medical tests, or any combination of these or other tests.

During the training and experience evaluations, any veteran who served on active duty for six (6) months or longer in any branch of the United States military, has an honorable discharge, and earns a passing score on an entrance employment examination shall be given an additional five (5) points. Veterans entitled to compensation for a service-connected disability are given a total of ten (10) preference points. Proof of eligibility, a DD214 or certification from the Veteran's Administration, for veteran and/or disability preference points must be submitted at the time of application or examination per Arizona Revised Statute §38-492. Per Arizona Revised Statute §38-492, a veteran's spouse is given five (5) preference points on a passing score on an entrance examination if the veteran, during active duty as a member of any branch of the United States armed forces, is either missing in action, captured, or forcibly

00225722

detained by a foreign power; or has a total permanent service-connected 36 disability; or died while having such disability. Proof of eligibility (i.e., DD214 or certification from the Veteran's Administration) must be submitted at the time of application or examination. (Rev 3/13/15)

SECTION 2. REVIEW OF EXAMINATION PAPERS

All candidates shall have the right to inspect their own examination papers within five (5) working days after receipt of examination results. Error in computation, if called to the attention of the Human Resources Manager within this period, shall be corrected.

RULE VIII. APPOINTMENT

SECTION 1. TYPES OF APPOINTMENTS

Unless otherwise provided for in these Rules, or upon City Manager approval, all vacancies in the classified service shall be filled competitively.

SECTION 2. PERMANENT APPOINTMENT

Permanent appointments are made to positions that are identified in the City's operating budget as full time equivalents or FTE's. Permanent positions may be funded full-time or part-time status. (Rev. 8/8/07)

SECTION 3. CONFIDENTIAL APPOINTMENT

An employee who is appointed to a confidential position, as defined by these Rules, including, but not limited to, Police Assistant, Assistant to City Manager/City Council, Payroll Staff, Human Resources Staff, Information Technology Staff shall be treated as a supervisory employee for purposes of labor relations matters and union membership. These employees are also required to sign a confidentiality agreement at the time of hire or promotion into a confidential position and upon leaving city service. (Rev 3/13/15) (Rev 12/13/19)

SECTION 4. PROVISIONAL APPOINTMENT

In the absence of there being an individual on appropriate employment lists who is willing to accept appointment, a provisional appointment may be made by the City Manager of a person meeting the minimum training and experience qualifications for the position. A provisional appointment will remain in effect only until an actual competitive appointment is made, but not to exceed five (5) months. The provisional employee will be permitted to apply for the position and undergo the competitive process.

SECTION 5. RESERVED (Rev 3/13/15)

SECTION 6. SEASONAL APPOINTMENT

A seasonal appointment shall be made from a register or by verification of minimum qualifications in the absence of a register.

A person who receives a seasonal appointment from a register is eligible for successive seasonal appointments to the same class without employment reexamination or employment re-certification.

Seasonal employees are limited to a maximum of 800 hours of employment per calendar year.

SECTION 7. LATERAL ENTRY

Where Police Officers who are previously certified by the State are needed to fill a vacancy in the Police Department, such persons may be laterally inserted from an Eligibility List of Patrol Officers who qualify for lateral entry. The Chief of Police may, with approval of the City Manager, exercise this option when the patrol strength exceeds 5 or more probationary officers or vacancies. (Rev. 8/8/07)

SECTION 8. LIMITED APPOINTMENT

A limited appointment shall be made from a register or by verification of minimum qualifications in the absence of a register.

SECTION 9. UNDERFILL APPOINTMENT

The appointment of a person to a class with a pay range that is lower than the pay range for the allocated range for that position. (Rev. 1/14/03)

RULE IX. CHANGES IN ASSIGNMENT

SECTION 1. SALARIES FOR CHANGES IN ASSIGNMENT

Salaries paid for changes in assignment will be handled in accordance with Rule XIV of these Rules.

SECTION 2. PROMOTION

Promotional opportunities for non-supervisory positions will be open to permanent and limited status employees in the City Service who have served an original probation and who meet the minimum qualifications for the open position. Promotional announcements shall be posted in accordance with Rule IV, Section 2, for a minimum of five (5) working days. If there are no qualified applicants, as determined by the Human Resources Manager and Department Head, recruitment will be made public for outside applicants in accordance with Rule IV, section 2. In determining promotions or internal hiring, the City shall follow the procedures and criteria set out in Rule V of these Personnel Rules. (Rev 2008)

SECTION 3. TRANSFER

An employee may be transferred non-competitively from one position in the City service to another position at the same pay range. A transferred employee must meet the minimum qualifications for the class to which transferred.

Approval of Transfer: All transfers shall require the approval of the City Manager and the Department Head(s) concerned.

Request for Transfer: The employee affected shall be given advance notice of their transfer. The physical transfer of an employee shall not be made until the City Manager has approved the transfer papers. No grievances are authorized as a result of transfer.

SECTION 4. OUT OF CLASS ASSIGNMENT

A Department Head may assign a permanent or limited status employee additional duties to the employees' current position, or to another classified position altogether, in the same or another class within the City service as provided below: (Rev 3/13/15)

- A. If there is an absence of staff in excess of two (2) weeks but less than four (4) months as a result of vacancy, leave, illness, or leave of absence, the assignment may be made non-competitively.
- B. If the assignment is for more than four months, the assignment shall be made competitively in accordance with these Rules.
- C. The out of class assignment shall not exceed one year unless extended by the City Manager.
- D. An employee shall have the right to return to the position from which assigned at the conclusion of the out of class assignment.
- E. An employee appointed to acting duties in another classification under this section, may be relieved of duties by the Department Head with City Manager approval. There shall be no grievance available when an employee is relieved from an acting classification.

SECTION 5. ON-CALL DUTY

Some departments within the City may request employees to be placed on an on-call status to respond to an emergency. Some departments may require employees to be placed on an on-call status if required as part of the classification job description. An employee who signs up for on-call duty and is called to work between his or her regular shift will be paid at his or her applicable rate of pay for three hours or actual time worked, whichever is greater. (Rev 2008) (Rev 3/13/15) (Rev 3/16/18) (Rev 12/13/19)

Department Heads will insure on-call rosters are posted in sufficient time to allow an employee to make arrangements to be available for duty without restricting their movements. Except in case of an emergency, one-month notice is preferred.

The Police Department uses on-call rosters for officers assigned to Investigations and civilian staff assigned to Humane; and uses a call-back or call-in process for officers assigned to Patrol or civilian staff assigned to Communications. An employee who is called to work between his or her regular shift will be paid at his or her applicable rate of pay for three hours or actual time worked; whichever is greater. (Rev 3/16/18) (Rev 12/13/19)

When placed on on-call status, employees must carry a city provided cell phone to which they must respond when summoned. On-call (call-in or call-back for Police) employees must be mentally and physically able to respond to the summons within 30 minutes or less for those living within the 10 miles radius of city limits and 1 hour 20 minutes or less for those living outside of that, and to take effective action upon responding. On-call time will become working time when the summons is received and the employee begins the response for employees residing within ten (10) miles of the corporate limits of the City and upon arrival to this proximity for employees residing beyond. (Rev 2008) (Rev 3/16/18)

An employee residing beyond ten (10) miles of the corporate limits of the City who is placed on on-call status will not be permitted the use of a take-home vehicle. (Rev 3/16/18)

00225722

SECTION 6. VOLUNTARY DECREASE

An employee may request a permanent change in assignment to a position in a lower pay range, provided the employee meets the minimum qualifications for the class of the position. Such request, if approved, may not be grieved.

An employee who is on original probation when the request for a voluntary grade decrease is approved shall serve a complete original probation in the new position.

RULE X. PROBATION

SECTION 1. TYPES OF PROBATION

The only types of probation allowed in the City service are original probation and promotional probation.

SECTION 2. ORIGINAL PROBATION

All original appointments to limited or permanent classified positions shall serve a probationary period of six (6) months with the following exceptions: (Rev. 8/8/07) (Rev 2008)

Fire Fighters - twelve (12) months.

Police Officers - six months for attendance at academy, if attending while a City employee, plus, for all new police officers, including those who have already completed the academy, (12) months after commencing employment as a certified police officer.

All employees, except administrative personnel, hired into the Water and Sewer Department will remain on probation until they have received their first Certification, Grade 1, as certified by the Arizona Department of Health Services, but no less than six months. Employees failing to receive Grade 1 Certification within 12 months from their date of employment will be terminated for failure to successfully complete probation, unless an extension has been requested and approved as allowed in section 4 of this rule. (Rev 3/13/15) (Rev 02/09/23)

All Parks employees will remain on probation until they have received their herbicide certification but not less than six months. Employees failing to receive their herbicide certification within 12 months from their date of employment will be terminated for failure to successfully complete probation, unless an extension has been requested and approved as allowed in section 4 of this rule. (Rev 02/09/23)

Permanent status Aquatic Center employees will remain on probation until they have received appropriate certifications as required by their job descriptions but not less than six months. Employees failing to receive required certifications within 12 months from their date of employment will be terminated for failure to successfully complete probation, unless an extension has been requested and approved as allowed in section 4 of this rule. (Rev 02/09/23)

(Clarifies that an extension of probation is allowed in this rule.)

If an employee becomes permanent status and has served an original probation in the same position as limited status, another probationary period is not required, unless deemed necessary by the Department Head and approved by the City Manager.

Employees who fail to successfully complete original probation shall be dismissed from City employment without recourse to the grievance procedures set out in Rule XVIII.

SECTION 3. PROMOTIONAL PROBATION

All promotions will be subject to six (6) months probation with the following exceptions:

Public Safety employees - twelve (12) months probation.

Other classifications that require applicable certifications within a 6 – 12 month period, as defined in Rule X. Section 2. (Rev 2008)

An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the class in which permanent status was held immediately prior to the promotion ("the original class"), or, if no such vacancy exists, to a vacancy in the next lower class ("the lower class"), providing the employee meets the minimum qualifications for the lower class position, without the right to file a grievance. If no such vacancy exists in the original or lower class, the rules governing reduction in force shall apply. If a lack of vacancies in the original class requires the employee to take a position in a lower class, the employee shall receive the salary he or she would have received if employed in the original class until a position in the original class is offered to the

employee or, if no position is offered, for a maximum period of two years. The employee shall be offered any position that becomes available in the original class during the two-year period, providing the employee meets the minimum qualifications for that position. At the end of the two year period, or upon the employee's refusal to accept an offered position in the original class, the employee's salary will be modified to meet the highest level allowed for an employee in the lower class with similar knowledge, skills, abilities and length of service within the City.

SECTION 4. EXTENSION OF PROBATION

A Department head may recommend extension of a probationary period to the City Manager. The City Manager may approve extending a probationary period for up to one year beyond the normal probationary period and up to two years when the request is due to needing more time to obtain a required certification and they are performing satisfactorily in all other areas. (Rev 02/09/23)

(Allows probationary employees an additional year to obtain their required certifications and pass probation if their performance is good.)

SECTION 5. OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as a part of the testing certification process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of an employee to the position.

SECTION 6. COMPLETION OF PROBATION

The Department Head shall evaluate a permanent and limited status probationary employee and submit a report to the Human Resources Manager at least 15 days prior to the expiration of the employee's probationary period unless the Department Head supplies justification for a period of time less than 15 days. For permanent status positions, if justification is not submitted prior to the expiration of the employee's probationary period, the probationary period of the employee will automatically be extended for 30 calendar days. If no action has been taken by the Department Head by the end of the extended 30-day period, the employee shall be awarded permanent status. (Rev 2008)

SECTION 7. REEMPLOYMENT

The City Manager may require a former employee who is reemployed to complete an original probation.

RULE XI. CLASSIFICATION

SECTION 1. PREPARATION OF PLAN

The City Manager shall ascertain and record the duties and responsibilities of all positions in the classified service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specification including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation and hours may be made to apply with equity under like working conditions to all positions in the same class.

SECTION 2. ADOPTION, AMENDMENT AND REVISION OF PLAN

The classification plan shall be adopted and may be amended from time to time by the City Council. At the time of consideration by City Council, any interested party may appear to be heard. Amendments and revisions of the plan may be suggested by any Department Head or by any employee through their Department Head and shall be submitted to the City Manager through the Human Resources Manager. If it is determined that a revision is warranted and justified based on a job audit, the City Manager and the Human Resources Manager will submit a recommendation for change to the City Council.

SECTION 3. ABOLITION OF POSITION

Whenever, in the judgment of the City Council, it becomes necessary, the City Council may abolish any position in the City work force, which is not established by Arizona Law, or Douglas City Charter.

Reduction in force rules shall be effected in the manner set forth by these Rules.

SECTION 4. ALLOCATION OF POSITIONS

Following the adoption of the classification plan, the City Manager shall allocate every position in the classified service to one of the classes established by the plan.

SECTION 5. NEW POSITIONS

When new positions are created, the classification plan shall be amended to provide therefore, as recommended by the City Manager and approved by the Mayor and Council. An appropriate employment list shall be established for such position(s).

SECTION 6. RECLASSIFICATION

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the City Manager to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

SECTION 7. TITLE OF POSITION

The official title of a position adopted by the City Council, and not a functional title, is the official class title in all-official records.

RULE XII. ATTENDANCE AND LEAVES

SECTION 1. ATTENDANCE

Employees shall be in attendance at their work in accordance with the Rules regarding hours of work, holidays, and leaves. All Departments shall keep daily attendance records of employees, which shall be reported to the Payroll Department as scheduled.

SECTION 2. ANNUAL LEAVE

A. Employees Entitled to Annual Leave. All City Service employees shall be entitled to accrue annual leave with pay except provisional, seasonal, or volunteer employees. (Rev 3/13/15)

B. Limits on Taking Annual Leave.

1. No employee is allowed to take annual leave for more than twenty (20) consecutive work days, (six shifts for fire department shift personnel), unless such leave has been approved in advance by the Department Head and City Manager.
2. In the absence of an emergency, employees shall submit requests for annual leave to their supervisors far enough in advance to allow the supervisor to schedule around the time off in order to meet the City's needs.

C. Charging Annual Leave.

1. In the event one or more municipal holidays fall within an annual vacation, such holidays and regular days off will not be charged as vacation leave.
2. Employees will be charged annual leave on an hour for hour basis for those hours that they were scheduled to work but elected to take leave. (For example, an employee assigned to work a 10 hour/4-day week will use leave at the rate of 10 hours per day of leave taken.)

D. Accruing and Taking Annual Leave.

1. Annual leave will be earned from date of hire but will not vest and may not be taken until the employee has been employed with the City for a period of at least 180 calendar days.
2. For regular status employees, a maximum of 240 hours of annual leave may be carried over from one calendar year to the next. Annual leave accrued and vested in excess of these hours shall be forfeited. (For Fire department shift personnel, a maximum of 336 hours may be accrued and carried over.)
3. Upon leaving City Service, employees, except for limited status employees, will be compensated for any accrued and vested annual leave up to 240 hours (336 hours for fire department shift personnel). (Rev 3/13/15)
4. Annual leave will accrue as follows, based on a 40-hour week:

0-4 years:	3.0770	hours per pay period
5-9 years:	4.6154	hours per pay period
10-17 years:	6.1539	hours per pay period
Over 18 years:	7.6924	hours per pay period
5. Annual leave will accrue as follows for Fire Department Shift Personnel, based on working a 212- hour/28 day pay period:

0-4 years:	4.0770	hours per payday
5-9 years:	6.1154	hours per payday
10-17 years:	8.1539	hours per payday
Over 18 year:	10.1924	hours per payday
6. Annual leave will accrue as follows for Department Heads and salaried City Officers, unless otherwise

approved by contract: (Rev 2008)

0-4 years:	4.6154	hours per pay period
5-9 years:	6.1539	hours per pay period
10-17 years:	7.6924	hours per pay period
Over 18 years:	9.2307	hours per pay period

7. Part-time employees who work one-quarter time, one-half time, or three-quarters time will accrue a proportional amount of annual leave. Part-time employees who work a percentage of full-time other than one-quarter time, one-half time, or three-quarters time will accrue annual leave at the next lower rate.
8. Annual leave does not accrue or vest during any leave without pay.

SECTION 3. SICK LEAVE (Rev 12/13/19)

A. Employees Entitled to Sick Leave All City employees shall be entitled to accrue sick leave except for volunteer employees. (Rev 3/13/15)

B. Accruing Sick Leave.

1. Full-time employees (except Fire Department shift personnel): Sick leave shall be accrued at the equivalent rate of 8 hours per month. At the end of each calendar year, those unused hours will be credited to the employee until a maximum of 480 hours have been accumulated. (Rev. 8/8/07) (Rev 02/09/23)
2. Fire Department Shift personnel shall accrue sick leave at the equivalent rate of 24 hours per month. At the end of each calendar year, those unused hours will be credited to the employee until a maximum of 648 hours have been accumulated. (Rev 02/09/23)

(Some financial systems are not able to accrue in a monthly basis and do it biweekly instead. This clarifies it would be the equivalent of the monthly rate.)

3. Part-time employees: Sick leave shall be accrued at a proportional amount based on one-quarter time, one-half time, or three-quarters time worked. Part-time employees who work a percentage of full-time other than one-quarter time, one-half time, or three-quarters time will accrue sick leave at the next lower rate, unless the next lower rate is zero, at which point, the following paragraph will apply. (Rev 02/09/23)

(Clarifies the way sick leave is accrued for other than one-quarter time, one-half time, or three quarters time.)

4. Provisional, seasonal and on call employees shall accrue sick leave at the rate of 1 hour for every 30 hours worked. An employee in this category is not entitled to accrue or use more than 40 hours of earned paid sick time per calendar year. An employee may carry over to the following year a maximum of 40 hours of unused earned paid sick time.
5. Sick leave will not accrue or vest during any absence without pay.
6. Sick leave shall begin to accrue immediately upon employment with the City; however, new employees shall not be entitled to take sick leave during the first thirty- (30) working days of their original probationary period.
7. When there is a separation from employment and the employee is rehired within nine months of separation by the City, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.

C. Taking Sick Leave.

1. Earned paid sick time shall be provided to an employee by an employer for:
 - a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
 - b. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;

c. 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 or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or

d. Notwithstanding section 13-4439, Arizona Revised Statutes (ARS), absence necessary due to domestic violence, as defined in ARS 13-3601; sexual violence, as prescribed as an offense in ARS: (a) title 13, chapter 14, 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; abuse, as prescribed as an offense in ARS 13-3623; or stalking, as prescribed as an offense in ARS 13-3623; provided the leave is to allow the employee to obtain for the employee or the employee's family member:

- (i) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
- (ii) Services from a domestic violence or sexual violence program or victim services organization;
- (iii) Psychological or other counseling;
- (iv) Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
- (v) 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.

2. Family member means:

- 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.
- f. The use of sick leave for any other family member for reasons outlined in section 1 above will be at the discretion of the City Manager

3. Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, or by electronic means to the employee's direct supervisor. When possible, the request shall include the expected duration of the absence.

4. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to his/her supervisor in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the City.

5. Sick leave will not be deducted for a scheduled holiday, which occurs during the time an employee is absent due to sickness.

6. Annual Leave may also be used by the employee to cover absences due to reasons outlined in section 1 above.

D. Compensation for Sick Leave.

1. Upon retirement, permanent City employees will be compensated for the unused sick leave at their regular hourly rate. Limited, seasonal, provisional or on-call employees will not be compensated for accrued sick leave.
2. Upon termination of employment from the City for a reason other than retirement, employee shall be compensated 50% of the accumulated sick leave on a monthly salary basis figured at 30.5 days per month. Limited, seasonal, provisional or on-call employees will not be compensated for accrued sick leave.

(Clarifies sick leave is paid out only for permanent status employees)

3. After employees of the City of Douglas have accumulated 480 hours (648 hours for Fire department shift personnel and after five years of service) of sick leave, said employees shall be granted additional pay on the following basis: (Rev 2008)

When employees have accumulated twelve (12) days or shifts of sick leave (figured at 8 hours/day for 40- hour employees and at 10.6 hours/ shift for Fire Dept. shift personnel) during the calendar year, they shall receive additional pay, at straight time, for five (5) days or shifts or an equivalent of one week's pay. For each day or shift less than twelve (12) accumulated during the calendar year, said employee shall lose one gratuitous day or shift of sick leave. Those employees accumulating seven (7) or less days or shifts during the calendar year shall not receive any gratuitous days. All employees requesting pay for gratuitous days or shifts shall receive payment within thirty- (30) days from the end of the calendar year.

- E. Medical Release/Verification of Illness. City employees incapacitated three (3) or more days, as a result of disease, illness or injury on or off the job, or who require medical attention which includes minor or major surgery, will not be permitted to return to work without a written release from the attending physician, stating employee is released to full duty in his/her job classification. Department Heads may request verification of any illness.

In addition, for the use of earned paid sick time of three or more consecutive work days, an employee must provide reasonable documentation that the earned paid sick time has been used for a purpose covered by subsection C. 1. above. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section. In cases of domestic violence, sexual violence, abuse or stalking, one of the following types of documentation selected by the employee shall be considered reasonable documentation:

1. A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual violence, abuse or stalking;
2. 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;
3. 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;
4. A signed statement from a witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization;
5. 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
6. 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 of subsection C.1.d. above. The employee's written statement, by itself, is reasonable documentation for absences under this paragraph. 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.

- F. The provision of documentation under subsection E does not waive or diminish any confidential or privileged communications between a victim of domestic violence, sexual violence, abuse or stalking with one or more of the individuals named in subsection E.

- G. The City may not require that documentation under subsection E explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking, except for on the job injuries.

SECTION 4. DONATION OF LEAVE:

Definitions:

Immediate family means the employee's spouse and child, whether natural, adopted, foster child or step child.

Extended means a period of one or more weeks of illness or injury, which is verified by a licensed health care practitioner. (Rev 3/13/15)

Eligibility: Annual leave or Sick leave may be donated by one employee to another employee (to include contract employees) in the City Service provided the following conditions are satisfied: (Rev 3/13/15)

- a. The recipient of the donated leave is away from work due to a non-job-related, seriously incapacitating and extended illness or injury; pregnancy or childbirth, adoption or placement of a child; or a member of the immediate family of the recipient of the donated leave has a seriously incapacitating and extended illness or injury; and,
- b. The recipient of leave for a qualifying illness or injury has exhausted all annual and sick leave and has been employed for at least 6 months. (Rev 3/13/15) (Rev 12/13/19)
- c. All unused leave donated to the recipient is returned to the leave contributors if the leave recipient separates from City Service or recovers, prior to using all donated leave, or the need for the leave is otherwise abated.

Donation: Donation of leave will be made on an hour per hour basis, except when a Fire Department shift employee is donating to a 40 hour a week employee or vice versa. In this case, a ratio of 24 hours (Fire shift) to 10.8 hours (40 hr employee) will be used and vice versa. Donation of leave will be coordinated and approved through the Human Resources and Payroll Office. (REV 2008)

SECTION 5. ADMINISTRATIVE LEAVE:

The City Manager may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Mayor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment. The City Manager may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

SECTION 6. BEREAVEMENT LEAVE:

In case of a death in the family, each City employee may receive a three (3) day absence with full pay (One shift for Fire Department shift personnel). Two additional days (One additional shift for Fire Department shift personnel) may be granted upon written approval of the Manager depending on the distance to be traveled and/or responsibility to be handled by the employee. Family shall be construed to mean husband or wife, mother or father, grandfather, grandmother, son, daughter, son-in-law, daughter-in-law, grandchild, sister, brother, of the employee or spouse. In addition, bereavement leave may be granted, with City Manager or designee approval, upon the death of a person other than one listed herein, if the employee can demonstrate that he or she had a similarly close relationship with that deceased person. Absences allowed in the case of death shall not be included in sick leave for personal and family illness. (Rev 3/13/15) (Rev 12/13/19)

In case of a death of an immediate family member, each City employee may receive a five (5) day absence with full pay (two shifts for Fire Department shift personnel) without having to request the written approval mentioned above. Immediate family member shall be construed to mean husband or wife, mother or father, son, daughter, sister, brother of the employee. (Rev 12/13/19)

SECTION 7. MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of State Law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave shall be taken. To the extent allowed by law, eEmployees will furnish Supervisor with active duty orders prior to effective date of military training.

(Clarifies that we will follow up to date law requirements.)

Permanent employees called to active duty within the U.S. armed forces may request and receive full payment of earned, unused sick leave, at current pay rates at the discretion of the City Manager.

SECTION 8. LEAVE WITHOUT PAY

The City Manager may grant a permanent employee a leave of absence without pay for a period of three (3) months and based on need, not to exceed six (6) months. No such leave shall be granted except upon written request of the
00225722

employee setting forth the reason for the request, and the approval or denial will be in writing. Upon expiration of an approved leave of absence, if the employee does not return to duty, failure to return may be cause for separation without prejudice pursuant to rule XXI. All leaves of absence will be considered on an individual basis. If leave requests are found to be detrimental to the performance of City service this may be used as a factor in declining the request. Vacation and sick leave will not be accrued during leave of absence. Except for Family Leave and military leave, leave without pay shall not be granted until all accrued annual leave, compensatory leave, and, if the leave without pay is for medical reasons, sick leave is exhausted.

SECTION 9. LEAVE DUE TO ILLNESS OR INJURY:

Leave resulting from illness or injury will follow the return to work procedures outlined below:

A) Non Job-Related Illness or Injury

If an employee is required to be away from work for a period of four weeks or more, the employee retains the right to return to his/her position (unless terminated for unrelated reasons or permanently disabled) provided the employee's illness or injury does not require the employee to be absent more than 180 days. If after this period the employee is unable to return to work, the employee shall be separated without prejudice unless a Leave of Absence is granted under Rule XII, Section 8. In considering a request for a Leave of Absence, the City Manager shall take into account the medical prognosis for the employee's return to work and the affected department's justification for awaiting the employee's return. An employee separated without prejudice pursuant to this section shall have the reemployment rights stated in Rule XXI, Section 4. (Rev. 8/8/07)

B) Job - Related Illness or Injury

During the first 180 days the employee covered by worker's compensation retains the right to return to his/her previous position if within this time period one of the following occurs:

- 1.) A physician's prognosis is obtained indicating an approximate return to work date that does not go beyond the 180 days.
- 2.) A physician's prognosis is obtained indicating an approximate return to work date that exceeds the 180 day period and the affected department determines that it is possible to wait that period of time based on staffing availability and/or other justified reasons. The Manager must approve the department's justification.

The employee, if unable to return to work under these conditions, may still maintain reinstatement rights as stated in Rule XXI, Section 4. (Rev 2008)

Failure to return to work as described above may be cause for separation without prejudice from the city.

Vacation and sick leave will not be accrued during leave without pay. Except for Family Leave, Military Leave, and Industrial Leave, leave without pay shall not be granted until all accrued annual leave, compensatory leave, and sick leave (if the leave without pay is for medical reason) is exhausted.

SECTION 10 JURY LEAVE & SUBPOENA LEAVE

All employees of the City who are called or required to serve as a trial juror shall be entitled to be exempt from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall turn over to the City any payment received from the court for such duty, except travel and meal pay. (Rev 3/13/15)

All employees of the City shall be entitled to be exempt from their duties with the City when required to appear in court as a witness under a subpoena. Under such circumstances, the employee shall turn over to the City any payment received for subpoena leave, except travel and meal pay. (Rev 3/13/15)

SECTION 11. FAMILY AND MEDICAL LEAVE: (Rev 2008) (Rev 3/13/15) (Rev 02/09/23)

Family and Medical Leave is any combination of annual leave, sick leave, compensatory leave, or leave without pay taken by an eligible employee for the birth of a child, and to care for such child; for the placement of a child for adoption or foster care; to care for the employee's seriously-ill spouse, child, or parent; because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position, or because of any qualifying exigency (as determined by the Department of Labor) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Family and Medical Leave shall be administered in accordance with the Family and Medical Leave Act of 1993 and as amended thereafter, coordinated by the Human Resources Manager and approved by the City Manager.

All requests for Family and Medical Leave shall be directed to the City Manager through the Human Resources Manager after receiving the appropriate Department Head's concurrence.

ELIGIBILITY: An eligible employee is defined as one who has worked for the City Service for:
00225722

- 1) At least 12 months (not necessarily continuously); and,
- 2) At least 1,250 hours during the year preceding the start of leave.

DURATION: An eligible employee is entitled to take up to twelve weeks of Family and Medical Leave in ~~any twelve month period measured forward from the first day leave is used~~ a rolling 12-month period measured backward from the date an employee uses FMLA leave.

(FMLA provides different ways of measuring the entitlement time; measuring backwards is one of them and easier to administer; employees receive the same benefits either way.)

OTHER PROVISIONS:

Service Member Family Leave.—Subject to certification, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

Combined Leave Total.—During the single 12-month period described in the previous paragraph, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under the previous paragraph and the first paragraph of this section. Nothing in this paragraph shall be construed to limit the availability of leave under the first paragraph during any other 12-month period.

Family and Medical Leave taken for the birth of a child or for placement for adoption or foster care:

- 1) May be taken prior to the actual birth or placement.
- 2) May be used up to 12 months after the birth or placement.
- 3) Among spouses who both work for the City shall be limited to a combined total of 12 workweeks during a rolling 12-month period measured backward from the date either spouse uses FMLA leave ~~any 12-month period measured forward from the day leave is used by either spouse.~~

(same as above)

- 4) May be taken intermittently or by working a reduced workweek at the City Manager's approval.
- 5) On an intermittent or reduced leave schedule will only be charged against the employee's entitlement for time actually taken.

Family and Medical Leave taken to care for the employee's seriously ill spouse, child, or parent, or to care for a service member where the employee is the next of kin, or because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position:

- 1) Must provide certification from the health care provider that includes a statement that the employee is "needed to care for" the family member, or a statement that third-party care is required or that the employee's presence would be beneficial to the patient.
- 2) May be taken intermittently or by working a reduced leave schedule if certification is provided from the health care provider that such leave is medically necessary and indicates the expected duration and schedule of such leave; or that there is a medical need for the leave, and that the medical need can best be accommodated through an intermittent or reduced leave schedule.
- 3) On an intermittent or reduced leave schedule will only be charged against the employee's entitlement for time actually taken.
- 4) May be temporarily transferred to an available alternative position at the same pay range provided the employee meets the minimum qualifications for the position and it better accommodates recurring periods of leave than the employee's regular job.

HEALTH BENEFIT PREMIUMS: During Family and Medical Leave taken without pay, the employee shall be responsible for paying the employee share of the health benefit premium, if any, directly and on time to the Payroll Office. Arrangements must be made prior to leave without pay with the Payroll Clerk.

RETURNING TO WORK: An eligible employee who takes Family and Medical Leave shall be restored to the same
00225722

position that the employee held when the leave started, or to an equivalent position as established by the Family and Medical Leave Act of 1993.

SECTION 12. RESERVED

SECTION 13. MISCELLANEOUS LEAVE

In cases of special hardship, or in other cases not provided for in these regulations, the Department Head with consent of City Manager may grant short-term leaves at full, partial or no pay. City Manager may grant permission to Department Heads. Examples of such leaves include, but are not limited to:

- A. Absence for personal business which cannot be handled during the off-duty hours.
- B. Absence to attend an authorized course of instruction directly related to the employee's duties, only while on duty.

All such leaves are a privilege, granted solely at the discretion of the Department Head, with approval of the City Manager, and the approval or denial of a request for such leave is not subject to grievance. All compensatory time shall be used before other time off is granted.

SECTION. 14 INDUSTRIAL LEAVE BENEFITS:

- A. An employee who sustains injuries or illness compensable under Worker's Compensation Law, Title 23, chapter 6, A.R.S., may choose to supplement worker's compensation benefits with the use of accrued leave benefits or request to go on leave without pay.
 - 1. If the employee chooses to supplement worker's compensation benefits, the following procedures will apply:
 - (a) The employee will be placed immediately on sick leave for the first five working days, if unable to work during that time. If sick leave is not available the employee will be placed on annual leave.
 - (b) After the initial five working days, the employee's sick leave benefits will be deducted in an amount necessary to receive total pay (leave payments plus worker's compensation payments) not to exceed the gross salary of the employee when the employee's sick leave is exhausted, the employee has the option of using annual leave. Once leave balances have been exhausted, the employee will be placed on leave without pay pursuant to Rule XII, Section 8 and all procedures after 2(a) will apply.
 - (c) The employee will receive all workers' compensation wage benefit checks.
 - (d) If a worker's compensation claim is not accepted for benefits by the carrier and the employee has only been receiving supplemental leave payments from the City in anticipation of worker's compensation benefits, the employee may request retroactive leave payments in the amount required to make their gross salary whole for the appropriate period of time.
 - 2. If the employee chooses to go on leave without pay pursuant to Rule XII, Section 8, the following procedures will apply:
 - (a) For the first five working days the employee will be placed on sick leave or annual leave if no sick leave is available. After the five working day period the employee will be placed on leave without pay.
 - (b) The City will continue to pay the City's portion of health insurance. The employee will be required to pay any employee portion of benefits to the Payroll Office.
 - (c) The City will cease making payments to the Retirement System for the period of leave without pay, unless otherwise required by law.
 - (d) The employee will receive all checks from the worker's compensation fund.
 - (e) If a worker's compensation claim is not accepted for benefits by the carrier and the employee has been on leave without pay in anticipation of worker's compensation benefits, the employee may request retroactive leave payments in the amount required (not to exceed accrued leave benefits) to make their gross salary whole for the appropriate period of time.

3. ARS 38-961 and City of Douglas policy 4.92 will be followed for Public Safety Personnel Retirement System employees.

(Clarify there is an ARS statute that applies to PSPRS employees as it relates to work related injuries that must be followed.)

- B. If an employee receives a retroactive worker's compensation payment and has received leave payment for that period also, the employee must reimburse the City for the appropriate number of days worker's compensation payments are received and the City will then restore the equivalent value of leave to the employee's appropriate leave account. If the employee fails to reimburse the City for this period, disciplinary action may be pursued and the amount owed may be withheld from the employee's paycheck.

C. MODIFIED WORK PROGRAM: In the event of a disability, caused by an industrial injury or illness, that would impair performance on the former job, the City shall make every effort to temporarily place the employee in a suitable position while awaiting a full release to the former job. In finding a suitable light duty position the City will consider first and foremost the placement of the employee into the same position or department / division; and secondly, into a related position or assignment in which placement is determined by the City Manager to bring value to the organization.

The Human Resources Manager will coordinate and select modified work assignments.
An offer of modified work for an employee must:

- (a) Be in writing
- (b) Describe the type of work available
- (c) State the wage to be paid
- (d) Identify the date and time the employee is to report to work
- (e) Indicate the number of hours the employee is to work per day.

Refusal to accept restricted or modified duty that is approved by a physician may result in reduced benefits and/or termination.

SECTION 15. RESERVED

SECTION 16. UNAUTHORIZED ABSENCE

An employee who is absent without prior approval of the City Manager, for three (3) consecutive work days - three shifts for Fire Department shift employees - may be considered to have abandoned his/her position and thus subject to termination. After a pre-action hearing or opportunity for a hearing, employee will be notified of termination by Certified Mail, Return Receipt Requested, mailed to the employee's last known address.

RULE XIII. HOLIDAYS

The Holidays to be observed in this City are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day
Floating Holiday during Employee's Birthday Month (Rev 3/13/15)	

When a Holiday falls on a Saturday, the preceding Friday shall be observed. When a Holiday falls on a Sunday, the following Monday shall be observed. It should be noted that Public Safety and other essential service employees may be required to be on duty on Holidays in the interest of the public health, safety, or general welfare of the City.

Police Department shift personnel will receive ~~eleven (11)~~88 Holiday hours per year and may be used on a substitute basis. (Rev 3/13/15)

Fire Department shift personnel will receive 176 Holiday hours per year and may be used on a substitute basis. (Rev 3/13/15)

(Converts days to hours for Police to clarify the number of hours and clarifies for Fire the hours are per year.)

Police and Fire Department shift personnel, who receive substitute holidays and leave City Service, shall receive as a "pay out" only a pro-rated amount of Holiday time paid, according to their date of separation from City service in relation to the official holidays already observed by the City during that calendar year. Any holiday hours utilized in excess of the pro-rated amount determined at the time of separation from City service shall be reimbursed to the City. (rev. 1/14/04)

For example, an employee resigning from City Service on July 5, will be paid unused holiday hours not to exceed a pro-rated amount of Five (5) substitute holidays (for officially observed holidays to date: New Years, MLK, Presidents Day, Memorial Day and Independence Day).(rev. 1/14/04)

Employees Scheduled to Work. A permanent or limited status employee who is regularly scheduled to work on a day on which one of the holidays listed above is observed is entitled to be absent with pay for the number of hours regularly scheduled to work, not to exceed eight, unless required to work to maintain essential City Services. (Rev 02/09/23)

Employees Not Scheduled to Work. A permanent or limited status employee who is not scheduled to work on a day on which one of the holidays listed above is observed shall receive holiday compensation for the number of hours normally worked per day, not to exceed eight, for 40 hour employees, and not to exceed 16 for Fire Department Shift Personnel. (Rev 02/09/23)

An employee that is not on pay status (on leave without pay) on the employee's work days immediately preceding or following the day on which the holiday is observed, shall not receive holiday compensation. (Rev 3/13/15)

Employee Required to Work. A permanent or limited status employee who is required to work on a day on which a holiday listed above is observed or, in the case of Fire or Police personnel, on a previously scheduled substitute holiday, shall receive both holiday compensation and one and one-half hour of pay at the current salary rate, for each hour worked. (Rev 02/09/23)

(Clarify holiday leave will be with pay for permanent or limited status employees)

RULE XIV. COMPENSATION (Rev 3/13/15)

SECTION 1. APPLICATION OF RATES

Employees occupying a position in the classified service shall be paid a salary or wage established for that position's class under the pay plan as provided by Rule V. The minimum rate for the class generally shall apply to employees upon original appointment. However, the City Manager, when circumstances warrant, may authorize original appointment or reinstatement at other than the minimum rate.

Adjustment of rates will be effective the first day of pay period following date of change, unless otherwise directed by Mayor and Council.

The salary used to compute any adjustments covered under this Rule shall be the employee's current pay minus overtime pay, shift or other differentials.

SECTION 2. ADVANCEMENT WITHIN SALARY SCHEDULE

No salary advancement shall be made so as to exceed any maximum range established in the pay plan for the class to which the advanced employee's position is allocated, unless approved by Council.

Advancements within the allocated pay range of each class, unless otherwise provided for in these Rules, will be based on two factors: (1) longevity of service and (2) employee performance standards.

The administration and approval of any advancement within a pay range, as defined by this Section, shall be established under separate administrative policy by the City Manager in conjunction with the Human Resources Manager.

SECTION 3. ADVANCED SALARY

No employee will be authorized to draw an advance on his or her unearned salary.

SECTION 4. OUT-OF-CLASS ASSIGNMENT

The salary of an employee placed on an out of class assignment pursuant to Rule IX, Section 4 of these Rules will be increased by 5% when additional duties have been assigned to the employee's current duties. When the additional duties include supervisory responsibilities, the salary will be increased by 10%. (Rev 12/13/19)

In cases when an employee is placed into a higher position or to an assignment comparable to a higher classification, the salary will be raised to the range of the higher classification following salary administration rules for promotions when the minimum qualifications are met for the higher position, as outlined in section 5 of this Rule. (Rev 2008) (Rev 3/13/15) (Rev 12/13/19)

SECTION 5. PROMOTIONS.

In conformance with Rule IX, Section 2 of these rules, the salary of an employee who is promoted shall be brought to the salary range established for the classification to which the employee is being promoted. The employee's salary shall be placed at the step in the new range which generates not more than a 20% increase in salary. If the minimum step of the new promotional range is greater than a 20% increase in salary, then the employee's salary shall be placed at the minimum step of the new range, i.e., Step X. (rev. 1/14/04) (Rev 3/13/15) If the City determines that the employee's years of related experience and/or education would have produced a higher salary in a public recruitment than the 20% increase, the salary will be placed at the step of the new range that would have been determined in the public recruitment as approved by the City Manager. (Rev 02/09/23)

(Allows for equity between employees and public applicants if employee competed through a public recruitment or if the position would have been advertised to the public)

SECTION 5a. TRANSFERS

The salary of an employee who is transferred to a position of the same salary range, shall carry the same step within the pay plan held at the time of transfer. (rev. 1/14/04)

SECTION 6. VOLUNTARY DECREASE

The salary of a permanent status employee who volunteers for a range decrease shall be set at the range of the position being placed into. The step within the new range where the employee will be placed will be the step that corresponds to the employee's length of service. (Rev 2008) (Rev 12/13/19)

The salary of an original probationary employee who volunteers for a range decrease shall be the entrance salary of the new pay range.

SECTION 7. DEMOTION

The salary of an employee who is demoted shall be set at the range of the position being demoted into. An employee who is demoted will carry the same step within the pay plan held at the time of demotion.

SECTION 8. REDUCTION IN FORCE

The salary of an employee who is reduced in pay range due to a reduction in force shall be set at the range of the position being placed into. The step within the new range where the employee will be placed will be the step closest to the employee's salary, not to exceed the salary of the employee's position at the time of the reduction in force. (Rev 3/13/15)

SECTION 9. REVERSION

Except as otherwise set out in Rule X, Section 3, an employee who does not complete the promotional probationary period, and returns to the former position, will return to the range and step held at the time of promotion taking into account length of service. (Rev 3/13/15)

SECTION 10. SHIFT DIFFERENTIAL

The City Manager may authorize a salary differential to be paid to employees on other than day shifts. The salary differential shall not exceed 5% of the employee's current salary. Employees in the same class in the same department who work on the same shift shall receive the same percentage differential.

SECTION 11. RESERVED (Rev 3/13/15)

SECTION 12. REEMPLOYMENT

The salary of a former City employee who returns to City service from a reduction in force shall be set at the range of the position being placed into and at the step closest to the salary, not to exceed the salary of the employee's position held at the time of the reduction in force, except for taking into consideration cost of living adjustments or classification maintenance reviews implemented during the absence. (Rev 3/13/15)

SECTION 13. CLASSIFICATION OR RANGE CHANGES

The salary of an employee in a position, which is reclassified to a higher range, or in a class which is changed to a higher range, shall be set at the range of the new class. The employee may carry the same step into the new range as was held prior to the reclassification.

SECTION 14. UNDERFILL

The salary of an employee placed into an underfill appointment shall be handled the same as a transfer or a promotion, depending on the pay range of the class selected for underfill. As the minimum qualifications are met for the permanent classification of the position, the underfill shall be removed and the employee promoted into a higher class range in the series or the full range of the position. (rev. 1/14/04) (Rev 3/13/15)

RULE XV. OVERTIME

SECTION 1. POLICY

It is the City's policy to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements, the Department Heads are responsible for the advance planning required to minimize the need for overtime. No officer or employee may work over-time or receive credit or pay for any overtime unless pre-authorized. Therefore, if in the judgment of a Department Head, work beyond the normal work day or work period is required, the Department Head may authorize such work and the employee shall be credited with time and one half for each hour worked if the hours exceed maximum hours in the employee's work period, or grant compensatory time is accord with F.L.S.A. if approved by the City Manager.

RULE XVI. BENEFITS

SECTION 1. HOSPITALIZATION INSURANCE

As prescribed by Federal Law, Full time employees are covered by the City group insurance program. The plan provides health, accident insurance coverage. The employee may elect to cover dependents under this program. The City Council may set a cap on the amount of the health insurance premium to be paid for employee and/or dependent coverage. This cap will remain in effect until the City Council decides to change or eliminate it. The employee shall pay, through payroll deduction, any portion the employee/dependent coverage not paid by the City. Health insurance becomes effective on the first day of the month following 30 days of employment. Coverage ceases on the last day of the month in which the employee terminates or separates from the City of Douglas. COBRA benefits apply thereafter, in accordance with COBRA federal law. (Rev 2008) (Rev 3/13/15)

SECTION 2. LIFE INSURANCE

The City carries a life insurance policy on each fulltime employee. Employees have the option of purchasing supplemental life insurance according to carrier guidelines. Life insurance benefits become effective on the first day of the month following 30 days of employment. Coverage ceases on the day of termination or separation from the City of Douglas. Portability options beyond employment are made available through the City's insurance carrier. (Rev 2008) (Rev 3/13/15)

SECTION 3. INCOME PROTECTION

The City pays into this program for disability or illness of fulltime employees. Non-public safety employees have coverage for Short Term Disability benefits. Public safety employees have coverage for both Short Term Disability and Long Term Disability benefits. Income protection benefits become effective on the first day of the month following 30 days of employment. Employees are eligible for this benefit after a sixty- (60) days elimination period from the time they become disabled. (Rev 2008) (Rev 3/13/15)

SECTION 4. ARIZONA STATE RETIREMENT SYSTEM (ASRS)

Non-public safety employees meeting ASRS eligibility contribute a percentage of gross pay by payroll deduction, matched by a percentage contribution by the City. Retirement benefits are calculated according to ASRS rules. The contribution percentage is set annually according to actuarial valuations as determined by ASRS and approved by the State Legislature. ASRS benefits also include Long Term Disability benefits for covered employees. (Rev 2008) (Rev 3/13/15)

SECTION 5. PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)

Employees under this system contribute a percentage of gross pay by payroll deduction, supplemented by a percentage by the City as determined by actuarial valuations as conducted by PSPRS. Employees under this system do not contribute to the Social Security System. Retirement benefits are calculated according to PSPRS. (Rev 2008) (Rev 3/13/15)

SECTION 6. CLOTHING ALLOWANCE AND UNIFORMS

The City shall provide uniforms, on a reasonable basis, to employees who are required to wear uniforms as part of their job duties.

SECTION 7. SOCIAL SECURITY

Amounts contributed by employer/employee are set by Congress and may change periodically.

RULE XVII. EMPLOYEE DISCIPLINE

SECTION 1. GENERAL RULE

The tenure of every employee in the classified service shall be during periods of acceptable conduct and satisfactory performance of duties. Failure to meet such standards of conduct and work performance for any of the reasons listed in Section 5 of this Rule (such list is not to be considered all-inclusive) or other good cause shall be considered sufficient to support any disciplinary action, including dismissal.

SECTION 2. PURPOSES OF DISCIPLINE

It is the aim of the City to provide working conditions in which all employees carry out, as closely as possible, the instructions of their supervisors and abide by established or practiced rules of conduct in the organization. It is recognized that to provide these conditions, some measure of discipline is required for unacceptable behavior or poor performance by an employee. Good discipline is the result of constructive, positive leadership, which provides the framework within which:

A. Self discipline can develop.

B. Prompt action can be taken against offending persons. A disciplinary policy embodying definite action is needed for a minority of employees, who if unchecked, would spread dissatisfaction and poor conduct

00225722

throughout the organization.

To accommodate both of these aims, a policy should be followed that includes the following elements:

1. A clear and reasonable list of working rules with uniform penalties for violations.
2. Instruct all employees so that they may know what is expected of them in terms of both observance of working rules and established standards of job performance.
3. A method of informing employees on how well they are meeting job standards and rules of conduct.
4. When apparent breaches of conduct or instances of unsatisfactory performance occur, careful investigation of the background circumstances of each case, as provided by both the accuser and the accused, before any disciplinary action is taken.
5. Prompt, consistent application of disciplinary measures by the employee's immediate supervisor, but only after responsibility for the wrongful employee conduct has been clearly established.

Unfortunately, many people associate the meaning of discipline with punishment only. Actually a more accurate definition describes discipline as "training which corrects, molds, strengthens, or perfects." Punishment is the last of the effective disciplinarian. Properly used, discipline can generate close cooperation and mutual understanding between the supervisor and the employees, and among the employees themselves.

SECTION 3. DISCIPLINARY DECISION

Determining the appropriate action for a particular case is a most difficult problem in dealing with the various types of discipline. It is obviously impossible to set hard and fast rules concerning the many cases with which the supervisor will be faced. Nevertheless, two general suggestions are offered.

- A. The major goal of a disciplinary action is to improve the performance or behavior of the offender, rather than to punish the offender. In some cases, punitive discipline may be the best corrective action, but in most cases such severe discipline is likely to make the employee's future usefulness to the organization of questionable value. If the infraction of the rules justified severe punitive action, dismissal of the employee is usually preferable to severe discipline, short of dismissal.
- B. Certainty and promptness in disciplinary action are usually more effective than severity. This does not mean that action should be taken hastily or in the heat of emotion. A "cooling off" period is generally advisable for the supervisor and employee. However, once the supervisor has decided what action is necessary, action should be taken promptly.

SECTION 4. TYPES OF DISCIPLINE

For the purpose of achieving consistency, a standard set of disciplinary actions have been formulated to be used as a guide for correcting violations of the City's Rules.

- A. Oral Reprimand: The oral reprimand (given in private) is the most often used and least severe of the formal group of actions. Oral reprimands cannot serve as the sole basis for the discharge of an employee. This is a warning procedure and should serve to forestall the employee from placing him/herself in a situation demanding a more severe action. It should be a cooperative attempt at determining and overcoming the source of difficulty.
- B. Written Reprimand: In the case of a written reprimand, an employee is presented the letter and a copy sent to the Personnel file. The Department Head should countersign a statement of reprimand. This should be used in cases where an oral reprimand has been given for an earlier situation, or where the gravity of the situation does not lend itself to only an oral reprimand.
- C. Suspension Without Pay: Suspension without pay is the temporary separation from performance of duties of an employee without pay. It is a commonly used form of discipline for serious infractions of rules. However, it becomes a severe form of discipline, not only for the financial loss the employee suffers, but also for the employee's diminished prestige.

The Department Head, after consultation with the Human Resources Manager, may suspend an employee from any position at any time for disciplinary purposes. Suspension without pay shall not exceed thirty- (30) calendar days.

- D. Demotion: Demotion is the movement of an employee from one class to another class in the same series having a lower maximum rate of pay or to a lower related classification for the purpose of discipline or for the reason of the employee's failure to meet the requirements of his/her class of work. It is a severe action

normally caused by incompetence of an employee in the performance of their duties. Before a demotion can be effected, it must be clearly established that the employee's performance of duties warrants this type of discipline. The Department Head, after consultation with the Human Resources Manager, shall provide a written explanation to the employee, stating reason for demotion, prior to the demotion being effective.

- E. Dismissal: Dismissal is the involuntary separation of an employee from City employment by means other than lay-off. It is the most extreme of the formal actions. Removal may be the direct result of a commission of some grave rule violation by the employee, but more often it occurs after an accumulation of violations of a lesser degree and failure of the employee to respond positively to the corrective efforts of the supervisor. Before dismissal can be effected, it must be clearly established that the employee's actions warrant this type of discipline. The Department Head, after consultation with the Human Resources Manager, shall provide a written explanation to the employee, stating the reason for dismissal, prior to the dismissal being effective.

SECTION 5. REASONS FOR DISCIPLINARY ACTIONS, INCLUDING TERMINATION

Grounds for discipline or termination include, but are not necessarily limited to, the following: (rev. 1/14/04)

- A. Falsification of application for employment or records
- B. Chronic absenteeism
- C. Chronic tardiness
- D. Malingering
- E. Insubordination, discourtesy
- F. Lacks sufficient competency or efficiency in the performance of assigned duties (Rev 3/13/15)
- G. Prohibited political activities
- H. Favoritism on the part of a supervisory employee
- I. An act of discrimination, harassment or retaliation because of race, color, sex, national origin, religion, disability, age, or genetics. (Rev 2008) (Rev 3/13/15) (Rev 12/13/19)
- J. Any action tending to bring discredit on the City service.
- K. Use of or possession of intoxicants or drugs (unless prescribed by a physician) while on duty. Arriving at work under the influence or being absent from work because of abuse of intoxicants or drugs. Illegal possession of drugs or attempting to take part in the sale or illegal possession of drugs.
- L. Dishonesty
- M. Misuse of City property
- N. Conducting personal business during normal work shift, which is not first approved by an appropriate supervisor.
- O. Destruction or damages of City property through carelessness, negligence or neglect.
- P. Safety violations or endangering health and safety
- Q. Sleeping on duty
- R. Physical/Verbal abuse of others (Rev 3/13/15)
- S. Bribery
- T. Conviction of a crime involving moral turpitude
- U. Failure to successfully complete prescribed course of instruction, i.e., Police Academy, or Arizona Certification, Water Certification I, Herbicide Certification and other certifications required for position. (Rev 2008) .
- V. Leaving workstation without legitimate reason, permission of supervisor, or proper relief during absence.

- W. Release of or tampering with public records, not available for public inspection without requesting permission or appropriate authorization.
- X. Use of information obtained on the job for personal or financial gain.
- Y. Breach of the City's Drug and Alcohol Policy, as set out in Rule III of these Rules.
- Z. Failure to maintain the minimum qualifications for position including required certifications or licenses as required by position.
- AA. Abusing sick leave
- BB. Violating company rules and/or policy
- CC. Engaging in criminal activity
- DD. Behaving violently

SECTION 6. LAW ENFORCEMENT OFFICERS (Rev 12/13/19)

For disciplinary matters involving a law enforcement officer, it must be ensured that the process follows the requirements outlined in Arizona Revised Statute Title 38, Chapter 8, Article 1.

RULE XVIII. GRIEVANCE PROCEDURE

SECTION 1. PURPOSE

The purpose of the grievance procedure is to give employees a systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with the immediate supervisor.

Another purpose is to reduce the loss of employees either by resignation, removal or dismissal. Each dismissal of an employee represents a loss to the City, the employee, and the latter's family. Preventing failures of this type is of a significant duty of every Department Head/Supervisor.

No person shall directly or indirectly use or threaten to use an official authority or influence in any manner to discourage an employee's use of the grievance procedure, nor shall any employee suffer reprisal in any form as a result of using this procedure.

SECTION 2. MATTERS SUBJECT TO GRIEVANCE PROCEDURE/EXCEPTIONS

- A. An employee may use this grievance procedure in the following cases:
 - 1. A dispute between the employee and the employee's Department Head/Supervisor arising out of the interpretation of these Rules and Regulations.
 - 2. A disciplinary action involving a written reprimand given to a regular permanent status employee. (Rev 3/13/15)
 - 3. Alleged unfair treatment of an employee by a supervisor.
- B. The following matters are not subject to the grievance procedure:
 - 1. Content Structure of the Pay Plan: The basic rates paid by the City to the incumbents of a given job classification.
 - 2. Matters Related to the General Goal of the City: Work techniques, the organization of the Departments, and other such matters related to the general goal of the City are not subject to the grievance procedure.
 - 3. Probationary matters: Dismissal for failure to complete an initial probationary period or re-assignment to a previously held position or re-assignment to a vacancy in the next lower class (Rule X Section 3) after failing to complete a promotional probationary period are not subject to the grievance procedure. (Rev 2008)
 - 4. Performance Evaluations: Performance evaluations are not subject to the general grievance procedure as outlined under Rule XVIII. A separate review process will be followed for this type of appeal as outlined in Rule XXIII. Section 7.

5. Non-Appealable Matters: Matters listed elsewhere in these rules are designated as being non-appealable or not subject to grievances.

SECTION 3. GRIEVANCE PROCEDURE

If an employee has a grievance relating to any written disciplinary action not affecting pay and/or an adverse action by a department head from another department, the employee shall proceed directly to subsection 3 of this Section. (Rev 3/13/15)

1. Verbal presentation of grievance to Supervisor: Any employee who has a problem or a complaint should first attempt to settle the matter through discussion with his/her immediate supervisor. The grievance shall be submitted as promptly as possible, and in no case in excess of five (5) working days from date of occurrence of the incident which led to the grievance, or from the date on which the employee was aware that a possible violation of these Rules had occurred.
2. Written presentation of grievance to Department Head: If after #1 above, the employee does not believe the problem has been satisfactorily resolved he/she has five (5) working days to appeal, in writing, to the Department Head. The Department Head shall, within five (5) working days meet with the employee and review all facts and information relating to the grievance. The Department Head shall render a decision on the grievance in writing no later than three (3) working days after the hearing.
3. Appeal to City Manager:
If the employee does not believe the problem has been satisfactorily resolved he/she has five (5) working days to appeal, in writing, to the City Manager. The City Manager shall, within five (5) working days meet with the employee and review all facts and information relating to the grievance. The City Manager shall render a written decision on the grievance no later than five (5) working days after the grievance review meeting. The decision of the City Manager is final.

The time limits specified in this Rule may be extended to a definite date by mutual agreement of the parties involved. However, failure of the employee to meet an established time limit shall constitute an abandonment of the grievance and the grievance shall be dismissed. (Rev 3/13/15)

RULE XIX. PROCEDURE FOR APPEAL FROM DISCIPLINARY ACTIONS AFFECTING PAY

SECTION 1. MATTERS WHICH MAY BE APPEALED.

A permanent regular status employee may appeal a dismissal, demotion or suspension without pay, or any matter affecting the pay of that particular employee except matters involving compensation rates, classification matters or the basic rates paid by the City to the incumbents of a given job classification. The appeal may be based on one or more of the following grounds:

1. The action being appealed was arbitrary and capricious.
2. There was no factual basis for the action.
3. The action was based on an incorrect application of the Personnel Rules.
4. The action was due to allegedly illegal discrimination, or
5. The action was an abuse of discretion.

Appeals will not be allowed for matters grievable under the prior Rule, matters involving employees on probation or matters involving employees in unclassified service.

SECTION 2. PRE-ACTION HEARING

Except in emergency situations, the Department Head, with a witness present, will hold a Pre-Action Hearing prior to presenting an employee with a notice of suspension, demotion or dismissal. The employee will be advised of the contemplated action through a written notice of intent to suspend without pay, demote or dismiss and will be furnished with copies of any documentation that caused the action to be considered. The employee may request to be given three (3) working days to present the Department Head with information refuting the allegations or with any other statements the employee may wish. If, after that three (3) day period, the employee does not establish to the satisfaction of the Department Head that the contemplated action should not be imposed or that a lesser type of discipline should be imposed, the Department Head shall present the employee with the written notice of dismissal, demotion or suspension, which will be signed by the Department Head. Such notice shall state the specific allegations against the employee clearly and with such particularity as will enable the employee to understand and answer the allegations. Such notice shall be personally served on the employee forthwith or mailed by registered letter to the employee's most recent address. Return receipt from addressee, or proof of personal service, shall be attached to a copy of the notice and filed with the Human Resources Manager. If an employee wishes to file an appeal from the Department Head's decision, he or she must do so within five (5) working days from receipt of the notice.

SECTION 3. REVIEW BY CITY MANAGER

If a written disciplinary action is not challenged by the filing of a formal appeal within five (5) working days, the Department Head shall forward a copy of the written disciplinary action, together with a written finding of facts and all documentation supporting the action, to the City Manager upon the expiration of the time allowed for filing a formal appeal. The City Manager shall review the action and approve it if it is supportable on any ground. The action shall become final upon such approval. The approved action, signed by the City Manager, shall then be filed in the employee's personnel records and a copy served upon or mailed to the employee. If a formal appeal challenging the written disciplinary action is filed in a timely manner, the procedure contained in this rule shall be followed.

SECTION 4. APPEAL TO THE CITY MANAGER

If the employee does not believe the problem has been satisfactorily resolved at the Department Head level, as set out in section 2 of this rule, he/she has five (5) working days to appeal, in writing, to the City Manager. The City Manager shall, within five (5) working days meet with the employee and review all facts and information relating to the appeal. The City Manager shall render a written decision on the appeal no later than five (5) working days after the review meeting. If the City Manager upholds the personnel action or imposes substituted action, the City Manager shall sign the disciplinary action, which shall then be filed in the employee's personnel records, and a copy served upon or mailed to the employee. Changes in pay status will become effective on the date of mailing or service. Any party aggrieved by the City Manager's decision must contact the Human Resources Manager and request a hearing pursuant to the next sections of this Rule within five (5) working days of receipt of the City Manager's action. (Rev 3/13/15)

SECTION 5. WAIVER OF PERSONNEL APPEALS BOARD HEARING

An employee may waive the right to a hearing by the Personnel Appeals Board any time prior to the commencement of the Board's hearing. The waiver must be in writing signed by the employee and delivered to the Human Resources Manager.

In the event of such a waiver, the matter will proceed as if by supplemental hearing pursuant to section 8 of this Rule except the City Manager shall hear all testimony and receive all evidence necessary to resolve the grievance. (Rev. 8/8/07)

SECTION 6. HEARING (Rev 2008)

The Human Resources Manager shall schedule a hearing on the appeal before the Personnel Appeals Board and the hearing shall take place not less than ten (10), nor more than twenty (20) working days after filing of the formal appeal. The employee shall be given at least ten (10)-calendar days written notice of the hearing date. The employee shall also be provided with a copy of the written rules of procedure for the hearing.

Within three (3) business days after the employer's receipt of a written request from employee for a copy of the investigative file that is accompanied by a copy of the filed notice of appeal, the employer shall provide a complete copy of the investigative file as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation.

No later than five (5) business days before the appeal hearing, the employer and employee shall exchange copies of any documents that may be introduced at the hearing and that have not previously been disclosed.

No later than five (5) business days before the appeal hearing, the employer and employee shall exchange the names of all witnesses who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An employer shall not discipline, retaliate against or threaten to retaliate against any witness for agreeing to be interviewed or for testifying or providing evidence in the appeal.

The hearing shall be presided over by a Board member, designated by a majority of the members present to conduct the hearing. Three members of the Board shall constitute a quorum.

The Board and the Human Resources Manager shall determine the rules of procedure, which should be as informal as is consistent with fair practice. Those rules shall be set forth in writing and made available to the employee and the City Attorney.

The employee may be represented at the hearing by an attorney or one other non-professional person of the employee's choosing and said person can engage in questioning and arguing on his/her behalf. The City Attorney shall present the case for the City. The Board shall have the power to subpoena witnesses and compel their attendance.

The Board shall hear testimony and receive evidence relevant to the appeal. Evidence and testimony offered at the hearing may be admitted subject to a determination by the Board member chairing the hearing that the offered evidence is relevant and material and has some probative value as to a fact in issue. The employer or employee may seek a determination by the appeals board hearing the appeal regarding any evidence that the employer or the

00225722

employee believes should not be disclosed because the risk of harm involved in disclosure outweighs any usefulness of the disclosure in the hearing. In determining whether evidence will be disclosed, the appeals board may perform an in-camera review of the evidence and may disclose the material subject to any restriction on the disclosure, including the closing of the hearing or the sealing of the records, that the appeals board finds necessary under the circumstances. The hearing shall be tape-recorded.

Within ten (10) working days following the conclusion of the hearing, the Board member chairing the hearing shall announce its findings of fact, and recommendation and furnish a written copy to the employee and the City Manager. The written decision shall include the factual findings of a majority of the Board members present at the hearing and shall be signed by a majority of the Board members present at the hearing. The Board shall forward all documentary evidence received by the Board and the tape recording of the hearing to the City Manager.

The Board's recommendation may include alternative decisions for selection by the City Manager. The Board's finding of facts shall be in such detail as to allow an informed final decision by the City Manager. The City Manager shall render its written final decision within five (5) working days of receipt of the Board's recommendation. (Rev. 8/8/07)

SECTION 7. REVIEW BY CITY MANAGER

The City Manager shall review the Personnel Appeal Board's recommended decision, the factual basis for their decision and such other evidence actually received by the Board, as is necessary to render an informed decision. The City Manager's final decision shall be based exclusively upon evidence and testimony received by the Board unless a supplemental hearing is held consistent with the procedures contained in Section 8 below. (Rev. 8/8/07)

SECTION 8. SUPPLEMENTAL HEARING BY THE CITY MANAGER

If the City Manager determines that additional evidence is necessary in order to make an informed decision regarding the grievance, a supplemental hearing shall be scheduled. The hearing shall be scheduled not less than five (5) nor more than ten (10) working days from receipt of the Board's recommendation.

The employee and the City Attorney shall receive at least five (5) working days notice of the hearing. The notice shall include a statement regarding the nature of the additional evidence which required the supplemental hearing. The hearing shall focus exclusively on the additional evidence required.

The hearing shall be conducted in a manner consistent with the Rules of Procedure established by the Personnel Appeals Board. The employee may be represented by an attorney or other representative. The City Attorney may present the City's case. (Rev. 8/8/07)

SECTION 9. CITY MANAGER'S DECISION

The City Manager's decision is final subject only to review by the Superior Court. The City Manager shall sign the decision, which shall then be filed in the employee's personnel records, and a copy served upon or mailed to the employee. If the City Manager amends, modifies, rejects the recommendation of the appeals board, the City Manager shall state the employer's reasons for the amendment, modification or rejection. If the City Manager, acting upon the Board's recommendation, reverses the prior action, the City Manager may order that the employee be reinstated with or without back pay, and in such amounts as the Manager deems proper under the circumstances. (Rev 8/8/07)(Rev 2008)

SECTION 10. TIME LIMITS

The time limits specified in this Rule may be extended to a definite date by mutual agreement of the parties involved. However, failure of the employee to meet an established time limit shall constitute an abandonment of the grievance and the grievance shall be dismissed.

RULE XX. REDUCTION IN FORCE

SECTION 1. PROCEDURE OF NOTIFICATION

Whenever it becomes necessary, because of the lack of work or funds, to reduce the number of employees in any given class, the City Manager shall notify the Human Resources Manager of the number of employees to be laid off from such a position. Within three (3) working days after the receipt of such written notice, the Human Resources Manager shall give notice to the employees who will be affected by layoff. The notice to the employee shall list the names of the employees who shall be laid off in accordance with these Rules.

SECTION 2. ORDER OF LAYOFF

- A. Calculating R.I.F. Points. The Human Resources Manager shall determine the order of layoff based on a comparison of the relevant employees' Reduction in Force ("RIF") points. In calculating RIF points, one RIF point shall be given for each year of full-time permanent employment with the City. Two RIF points shall be allocated for each superior (above average) annual performance evaluation received after July 1, 1996. A maximum of 10 RIF points may be awarded for superior evaluations. One RIF point will be subtracted for

00225722

each negative (below average) performance evaluation received after July 1, 1996, up to a maximum deduction of five RIF points. Two additional RIF points shall be deducted for each written disciplinary action received by an employee within the five years prior to the reduction in force.

- B. Step One: Displacement within the Division: In the division affected by the reduction in force, the employee with the fewest divisional RIF points shall be removed from his or her position and proceed to step Two. The position vacated by the removed employee shall be filled by the divisional employee in the same or next highest class with the fewest RIF points, as compared to all other divisional employees in those ranges. The position vacated by that employee shall be filled by the divisional employee in the same or next highest class with the fewest RIF points, as compared to all other divisional employees in those ranges. This process shall continue until all positions are filled. An employee subject to displacement may voluntarily leave the division and proceed to Step Two as a substitute for the employee who would otherwise have been the first employee to leave the division.
- C. Step Two: Displacement in the City: The employee leaving the division in Step One shall be placed in the position occupied by the City employee at the same range with the fewest RIF points. The City employee displaced by that action shall be placed in the position occupied by the City employee with the fewest RIF points at the same or next lowest range. The process of displacing City employees with the fewest RIF points shall be repeated until all positions are filled. If no vacant positions remain, the displaced employee shall proceed to Step Three.
- D. Step Three: Lay off. If an actual lay off is necessary, part-time, limited and original probationary employees shall be first laid off. If the layoff of regular full time employees is necessary, after all positions occupied by part time and original probationary employees are filled, regular full time employees shall be laid off according to the City RIF point system.
- E. Rules of Procedure for Reduction in Force: When the reduction in force is announced, if an employee does not possess the minimum qualifications and/or does not have a necessary license or certificate to fill the position that would otherwise be available to that employee under the above procedure, the employee shall be deemed to have fewer RIF points than the employee occupying that position. The salary of any employee displaced by RIF to another position shall be determined according to Voluntary Decrease rules, as outlined in Rule XIV. Section 6. (Rev 2008)

SECTION 3. REEMPLOYMENT

A re-employment list shall be maintained for a period of fourteen (14) months on all employees laid off as a result of Section 1 above. Employees laid off last will be offered a classified position to which he/she is qualified, if vacancies occur during this fourteen (14) month period.

RULE XXI. RESIGNATION AND RETIREMENT

SECTION 1. RESIGNATION

An employee wishing to leave the Classified service in good standing shall file with the Department Head a written notice of his/her intention to leave the service two weeks in advance, unless the Department Head consents to his/her leaving sooner. The written resignation shall be forwarded to the Human Resources Manager forthwith. Department Heads will submit thirty-day notice of resignation. An employee who leaves the City service without so filing a written resignation, and giving two weeks' notice, shall have the fact entered on their service record by the Human Resources Manager and shall be denied the opportunity to apply for any position in the City as outlined in Rule III, Section 9. (rev. 1/14/04)(Rev 2008)

SECTION 2. WITHDRAWAL OF RESIGNATION

Any employee who has resigned may withdraw the resignation if withdrawal is acceptable to the Department Head and City Manager.

SECTION 3. RETIREMENT

Employees anticipating retirement shall coordinate the effective date with the Human Resources Department. Employees retiring will not be permitted to remain on the payroll while using up accrued vacation leave or sick leave. Final pay will include all monies due the employee.

SECTION 4. REINSTATEMENT

A permanent status employee who resigns in good standing or is separated without prejudice, is eligible to be considered for reinstatement to City service, on a non-competitive basis, for two years from the time of resignation or separation. Reinstatement requests must be approved by the City Manager with the department director's recommendation. Reinstatement can be to a vacancy in his/her prior classification or any classification for which minimum qualifications are met, subject to meeting all applicable post-offer/ pre-employment requirements. Reinstatement rights include credit for prior city service. (rev. 1/14/04) (rev 12/13/19)

00225722

RULE XXII. RECORDS AND TRAINING

SECTION 1. EMPLOYEE RECORDS

It is the policy of the City, to the extent permitted by law, to keep employee personnel records confidential in the best interest of each employee. Employee records that are considered to be public records are available to anyone with an appropriate appointment and request. These records include such information as an employee's name, date of hire, classification, grade, present rate of pay and duties performed. The employee must acknowledge any detrimental item placed in employee files. An employee's refusal to sign the acknowledgment shall be noted on the document by the employee's Supervisor. The refusal shall constitute waiver of the right to acknowledge the document.

Employee personnel records maintained by the City should be accessible to the following:

- A. For good cause shown, the City Manager may authorize access to employee personnel records for official City business.
- B. Employees, for review of their own individual personnel file. (This should be by pre-arranged time and shall not include removing records from the office.) Employees may request any detrimental material within their own personnel file that is at least three (3) years old not be considered for discipline under the progressive discipline concept outlined in Rule XVII herein. Approval shall be discretionary and requires the recommendation of the Human Resources Manager and approval by the City Manager. Criteria for consideration shall include the nature, seriousness and frequency of the violation. This request, if denied, is not grievable. Detrimental material shall not be considered for discipline after five years, if no other disciplinary action has occurred in that time. (Rev 3/13/15)
- C. Personnel Appeals Board, to the limited extent needed to properly hear and adjudicate employee's grievance, promotion or demotion.
- D. Personnel records that are subpoenaed, or needed by the City Attorney for official City business.
- E. Any person or organization that received a signed written release statement from the employee whose records are in question.

SECTION 2. RESPONSIBILITY FOR TRAINING

The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed by the Department Heads with consent of the City Manager. Such training programs may include lecture courses, demonstration, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 3. CREDIT FOR TRAINING

Participation in and successful completion of special training courses including college extension or correspondence courses may be considered in making advancements and promotions. The employee shall file evidence of such activity with the Human Resources Manager.

RULE XXIII. PERFORMANCE RATING

SECTION 1. PURPOSE

The purpose of the performance rating system is to properly evaluate the performance of the classified employees of the City in the accomplishment of their assigned duties and responsibilities. The factors used in rating performance should be as objective as possible. The performance rating system shall be used as a means of improving the performance level of all employees, particularly of those who measure below satisfactory.

SECTION 2. APPLICABILITY

Performance rating reports shall be made:

- A. Every 3 months during probation. If the performance is found to be unsatisfactory, the supervisor has the option to evaluate more often.
- B. Annually or near anniversary date.
- C. Whenever the Department Head or the City Manager so requires.

D. Consideration may be given to re-evaluation when requested by the employee.

SECTION 3. ADMINISTRATION

The Department Heads shall administer the performance rating system under the direction of the City Manager.

SECTION 4. RATING AUTHORITY

The rating authority shall be the employee's first line supervisor.

SECTION 5. REVIEW AUTHORITY

The reviewing authority shall be the Department Head. Each employee rated shall have an opportunity to review the rating with his/her supervisor and shall sign the rating to acknowledge the review. The City Manager may investigate the accuracy of ratings and shall assist employee rating authorities and reviewing authorities in the administration of the performance rating system.

Completed copies of all rating forms shall be submitted to the employees and to the Human Resources Manager who shall file each form in the employee's personnel file.

SECTION 6. SPECIAL RATING PERIODS:

Performance rating reports may be requested by the City Manager when employees are promoted, transferred, resign or any other change of status.

SECTION 7. REVIEW/APPEAL PROCESS

An employee may request a review of a performance evaluation rating within three days of the date the evaluation took place with the immediate supervisor.

Such a request shall be submitted to the Human Resources Manager who will refer the appeal to a performance review committee for review and recommendation to the City Manager for a final decision.

The performance review committee shall consist of three employees in the City Service (one non-supervisor, one supervisor staff, one management staff). Committee members will be selected and rotated every quarter by the Human Resources Manager.

RULE XXIV. HEADINGS

Rule and Section Headings are for informational and descriptive purposes only and they shall not be considered in applying or interpreting a rule.

RULE XXV. SEVERABILITY

Should any provision of these Rules be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, other sections shall not be affected and shall remain enforceable.