

TOWN OF WICKENBURG

PERSONNEL RULES

&

REGULATIONS

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INDEX

RULE 1	DEFINITIONS	5
RULE 2	GENERAL PROVISIONS	8
	Section 1: Fair Employment	8
	Section 2: Americans With Disabilities Act	8
	Section 3: Violations of Rules	9
	Section 4: Amendment and Revision of Rules	9
	Section 5: Eligible Employees	10
RULE 3	CONDITIONS OF EMPLOYMENT	11
	Section 1: Loyalty Oath	11
	Section 2: Political Activity Prohibited	11
	Section 3: Solicitation of Political Support Prohibited	11
	Section 4: Residence Requirements	11
	Section 5: Physical Examination	11
	Section 6: Nepotism Policy	11
	Section 7: Conflict of Interest	12
	Section 8: Prohibition of Harassment	12
	Section 9: Alcohol and Substance Abuse Education, Awareness, Treatment and Prevention Program	13
	Section 10: Federal Motor Carrier Safety Administration (FMCSA)	18
RULE 4	APPLICATIONS AND APPLICATIONS	19
	Section 1: Employment Preference	19
	Section 2: Announcements	19
	Section 3: Application for Employment	19
RULE 5	CLASSIFICATION	20
	Section 1: Plan Amendment	20
	Section 2: Reclassification of a Position	20
	Section 3: Abolishment of a Position	20
	Section 4: Employment Classifications	20
RULE 6	EXAMINATIONS	22
	Section 1: Nature and Types of Examinations	22
	Section 2: Promotional Examinations	22
	Section 3: Notification of Examination Results	22
RULE 7	EMPLOYMENT LISTS	23
	Section 1: Employment Lists	23
	Section 2: Duration of Lists	23
	Section 3: Removal of Names from Lists	23
RULE 8	METHOD OF FILLING VACANCIES	24
	Section 1: Types of Appointment	24
	Section 2: Provisional Appointment	24
RULE 9	PROBATIONARY PERIOD	25
	Section 1: Regular Appointment Following Probationary Period	25
	Section 2: Extension of Probation	25
	Section 3: Object of Probationary Period	25
	Section 4: Rejection of Probation	25
RULE 10	ATTENDANCE AND LEAVES	26
	Section 1: Hours of Work	26
	Section 2: Annual Vacation Leave	27
	Section 3: Sick Leave	28
	Section 4: Vacation Donation	29
	Section 5: Loss of Benefits for Extended Illness	30
	Section 6: Military Leave	30
	Section 7: Maternity/Paternity Leave	30
	Section 8: Leave with Pay	30
	Section 9: Jury Leave	31
	Section 10: Subpoena Leave	31
	Section 11: Administrative Leave	31
	Section 12: Funeral Leave	31

	Section 13: Miscellaneous Leave	31
	Section 14: Holidays	31
	Section 15: Family and Medical Leave of Absence Policy	32
	Section 16: Recognition Leave	35
RULE 11	DISCIPLINE SYSTEM	37
	Section 1: Discipline System	37
	Section 2: Grievance Procedures	41
RULE 12	COMPENSATION AND BENEFITS	43
	Section 1: Compensation Plan	43
	Section 2: Merit Compensation Increases	43
	Section 3: Overtime	43
	Section 4: Compensatory Time	44
	Section 5: Specialty Pay	45
	Section 6: On-Call (Standby) and Call-Back Status	45
	Section 7: Telecommute / Remote Work	46
	Section 8: Temporary Assignment of Personnel	49
	Section 9: Uniform Allowance	49
	Section 10: Separation of Services	49
	Section 11: Administrative Salary Adjustments	50
	Section 12: Bring Your Own Device (“BYOD”)	50
	Section 13: Take-Home Vehicle	50
RULE 13	INSURANCE	51
	Section 1: Group Insurance Program	51
	Section 2: Worker’s Compensation Insurance	51
	Section 3: Emergency Ambulance Service (Deleted)	51
	Section 4: Accidental Death/Dismemberment Coverage during Commute to/from the Workplace	51
RULE 14	TRAVEL	52
	Section 1: Reimbursement for Use of Private Vehicles Outside Wickenburg Area	52
	Section 2: Reimbursement for Use of Commercial Carriers	52
	Section 3: Per Diem Allowance	52
	Section 4: Procedure	53
RULE 15	TUITION/EDUCATION REIMBURSEMENT	54
	Section 1: Tuition/Education Reimbursement	54
	Section 2: Procedure for Tuition/Education Reimbursement	55
RULE 16	RETIREMENT	56
RULE 17	TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT	57
	Section 1: Transfer	57
	Section 2: Promotion	57
	Section 3: Reinstatement	57
RULE 18	SEPARATION FROM THE SERVICE	58
	Section 1: Discharge	58
	Section 2: Lay-Off	58
	Section 3: Resignation	58
	Section 4: Constructive Discharge	58
RULE 19	TRAINING OF EMPLOYEES	59
	Section 1: Responsibility for Training	59
	Section 2: Credit for Training	59
RULE 20	REPORTS AND RECORDS	60
	Section 1: Roster Cards	60
	Section 2: Performance Evaluation	60
	Section 3: Employee Records	60
RULE 21	AFFIRMATIVE ACTION	61
	Section 1: Responsibilities	61
RULE 22	LEGAL COMPLIANCE AND ETHICS POLICY	62
	Section 1: Purpose	62
	Section 2: Compliance with Laws and Regulations – Notice	62

	Section 3: Other Employee Concerns	62
	Section 4: Anonymous Complaints	62
	Section 5: Investigation	62
	Section 6: Retaliation	62
	Section 7: False Information	62
RULE 23	EMPLOYEE CONDUCT	63
	Section 1: Employee Conduct	63
	Section 2: Courteous Service	63
	Section 3: Employee Appearance	63
	Section 4: Tobacco Use	63
	Section 5: Personnel Telephone Calls	63
	Section 6: Internet or Computer Use	63
	Section 7: Town Equipment & Vehicle Use: Motor Vehicle Report	64
	Section 8: Outside Employment	66
	Section 9: Appearance and Dress Code	66
RULE 24	SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY EMPLOYEES	68
	Section 1: Purposes	68
	Section 2: Eligibility	68
	Section 3: Benefits	68
	Section 4: Procedure	69

RULE 1. DEFINITIONS

Section 1. The following terms, whenever used in these rules, shall be defined as follows:

1. **“Adverse Personnel Action”**: Demotions, suspensions with or without pay and termination. ♦(Res 2301)
2. **“Allocation”**: The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
3. **“Anniversary Date”**: The date of permanent hire.
4. **“Appointment”**: The offer to a person, and the acceptance of a position by the appointing powers.
5. **“Class”**: All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and authority.
6. **“Classified Service”**: All positions of employment in the service of the Town except:
 - A. Those specifically excluded by Council action; and,
 - B. Any employees who are serving a probationary period or an extended probationary period; and,
 - C. Temporary employees. □
7. **“Compensatory Time”**: Full-time hourly employees shall be allowed to accumulate compensatory time for overtime worked. Ⓢ
8. **“Demotion”**: The movement of an employee from a position in one class to a position in another class having a lower maximum rate of pay.
9. **“Department Head”**: Those officers or employees who are appointed or employed as the principle employee of a department for the discharge of duties provided by law or of particular delegated functions.
10. **“Eligible”**: A person whose name is on an employment, reinstatement, promotional or layoff list.
11. **“Employee”**: Any person employed by the Town except those excluded by Rule 2, Section 5, of these Rules and Regulations. ▣
 - A. **“Employee With Benefits”**: An employee who has fulfilled his or her original probationary period, or any extension of the original probationary period and has, therefore, become entitled to various benefits such as, but not necessarily limited to sick leave and health insurance coverage.
 - B. **“Employee Without Benefits”**: An employee who is not on suspension or furlough, who has successfully completed his or her original probationary period and any extension of his or her original probationary period and who has exhausted all of his or her sick leave, vacation leave, and used all of his or her donated vacation leave, who is not on Family And Medical Leave of Absence, or, if not eligible for use of sick leave or other leaves provided for in these rules, is on an approved leave of absence without pay. Employees without benefits shall not be entitled to any of the following Town-paid benefits:
 1. Retirement contributions.
 2. Life insurance contributions.
 3. Health insurance coverage for the employee and his or her dependent(s) after the 31st day following the exhaustion of sick leave, vacation leave, and donated vacation leave; or, the 31st day following the date the leave of absence without pay commenced, provided Town-paid-health contribution termination after the 31st day is not inconsistent with the requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), any amendments thereto. The employee shall be required to pay all health insurance coverage premiums to continue coverage after the 31st day.
 4. Accumulation of sick leave and vacation leave.
 5. FICA contributions.
 6. Use of Town vehicles.
 7. Worker’s Compensation Insurance contributions.

12. **“Employment List”**: A list of names of persons who have applied for employment in the classified service and have qualified for consideration by demonstrating their fitness for such employment.
13. **“Examination”**:
 - A. Open Competitive Examination: An examination for a particular class, which is open to all persons meeting the qualifications for the class.
 - B. Promotional Examination: An examination for a particular class, admission to the examination being limited to permanent and probationary employees in the classified service who meet the qualifications for the class.
14. **“FLSA”**: Fair Labor Standards Act 29 U.S.C. §201 et. seq. ☞ 207(k) exemption.
15. **“Hearing Officer”**: The person appointed to hear appeals pursuant to Rule 11. The Hearing Officer shall not be a Town Employee. ♣ (Res 2301)
16. **“Holiday Pay/Benefits”**: Time off with pay granted to the employee in observance of certain holidays. 🗨
17. **“Human Resources Director”**: The Human Resources Director shall be responsible for the administration of the merit system. This includes, but is not limited to, interpreting personnel rules and regulations; possessing authority in hiring, firing, transferring, promoting, demoting, suspending, and reinstating employees. The Town Manager is the Human Resources Director. ♣ The Town Manager may grant exceptions to these Personnel Rules and Regulations for extenuating circumstances. ✨ (Res. 1811)
18. **“Job Related”**: For the purpose of tuition/education reimbursement policy, “job related” shall be course work related to any Town position currently held or one, which the employee could attain as determined by the Human Resources Director.
19. ☞ **“Key Personnel Employees”**: Employees who, by the nature of their position, are required to undertake greater responsibilities, are not entitled to overtime compensation, and are required to possess a greater amount of education, experience, or expertise, or any combination thereof. Key Personnel Employees are divided into the two following classes:
 - A. **“Key Personnel Employees II”**: Consists of Department Heads, the Town Manager, and any other positions that the Town Council may from time-to-time, designate as such.
 - B. **“Key Personnel Employees I”**: Consists of, but not necessarily limited to, certain Sub-Department Heads, and any other such positions that the Town Council may from time-to-time designate as such.
20. **“Overtime Work”**: Those hours of work in excess of forty (40) hours per week, with the exception of certified Fire Department and certified Police Department personnel who have entered into an agreement with the Town pursuant to Rule 14, Section 4. (Res 2114) Such personnel are under the FLSA 207(k) exemption. 🗨 The term “hours worked” used in this Section shall include only actual hours worked.
21. **“Part-Time Employee”**: An employee hired on a basis of less than thirty (30) hours per week. Fire Department personnel who fall under the Fair Labor Standards Act Section 207(k) exemption will be considered part-time if hired on a basis of less than two hundred (200) hours in a twenty-eight (28) day work period. ✍
22. **“Performance Report”**: The annual evaluation of an employee’s work reflected on forms prescribed by the Human Resources Director.
23. **“Permanent Employee”**: An employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

Revised 5/03|Res. 1426
🗨 Revised 7/04|Res. 1459
🗨 Res. 1519/5-06
♣ Res. 1568/3-3-08
✍ Res. 1616/7-09
✨ Res. 1699/07-01-13
Res. 2301/4-4-22

24. **Personnel Activities Report**: The Human Resources Director shall issue a monthly report to the Town Council, of all personnel activities for the month. The report will include, but not be limited to the following actions: Promotional examinations, method of filling vacancies, miscellaneous leaves, discipline concerning suspension, demotions or dismissals, overtime, promotions, demotions, suspensions, reinstatement, discharge, resignation and lay-off. Ω
25. **Personnel Resolution**: Resolution No. 833, which creates a personnel system for the Town of Wickenburg.
26. **Position**: An aggregation of tasks and responsibilities requiring the service of one person.
27. **Probationary Period**: A working test period during which employees are required to demonstrate their fitness for the duties to which they are appointed by actual performance of the duties of the position. Such employees are hereby excluded from Classified Service, as heretofore defined, by the Mayor and Common Council of the Town of Wickenburg.
28. **Promotion**: The movement of an employee from a position in one class to a position in another class having a higher maximum rate of pay.
29. **Provisional Appointment**: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class subject to successful completion of the probationary period.
30. **Reinstatement**: The re-employment of a former permanent or probationary employee.
31. **Retirement**: For the purpose of pay-out of "Class A" sick leave, "Retirement" shall mean retirement as defined by the individual employees' retirement system.
32. **Salary Advancement**: A salary increase, based upon satisfactory performance recommended to the Council by the Human Resources Director.
33. **Sick Leave**: Time off with pay granted by the Town to permanent and probationary employees in the event of illness.
34. **Suspension**: The temporary separation from the service of an employee without pay for disciplinary purposes.
35. **Termination**: The separation of an employee from the Town service by any means other than lay-off or retirement, whether it be voluntary or involuntary.
36. **Transfer**: A change of an employee from one position to another position in the same class or in a comparable class.
37. **Vacation**: Time off with pay granted to the employee at the convenience of the Town in recognition of service and of the employee's need for an annual period of rest and recreation.
38. **Work Week**: Workweek shall consist of forty (40) hours. The workweek commences on Saturday morning at 12:01 a.m. and ends the following Friday evening at midnight with the exception of the Police and Fire Department. ●

RULE 2. GENERAL PROVISIONS

Section 1. FAIR EMPLOYMENT

No person shall be appointed or promoted to, or demoted or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations; nor shall there be any discrimination in favor of, or against any applicant or employee because of age, race, color, sex, disability, national origin or any other legally protected status. ☆

Section 2. AMERICANS WITH DISABILITIES ACT

The Town of Wickenburg complies with the Americans with Disabilities Act (“ADA”) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities in hiring, compensation, training, advancement, and the terms, conditions, and privileges of employment. The Town of Wickenburg also provides reasonable accommodation for disabled employees and applicants. It is the Town of Wickenburg’s policy to, without limitation: ✎

- A. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
- B. Administer medical examinations, such as second medical opinion or fitness-for-duty examinations to candidates for safety-sensitive positions when they are “narrowly” tailored to address specific job-related concerns and are shown to be consistent with business necessity and only after conditional offers of employment have been extended. ✎
- C. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files in the Personnel Office.
- D. Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the Town of Wickenburg.
- E. ✎ **SCOPE:** This policy covers qualified employees and applicants with a disability. A “qualified individual with a disability” is a person who meets the qualification standards of a job and can satisfactorily perform its essential functions with or without reasonable accommodation, and who a) has been diagnosed with a non-temporary physical or mental disability which substantially limits one (1) or more major life activities; b) has known record of such impairment, or c) is regarded as having such impairment.

A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “major bodily function” includes, but is not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An individual meets the requirements of “being regarded as having such an impairment” if the individual established that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. “Impairment” for the purposes of the ADA and this policy, do not include impairments that are transitory, or that which has an actual or expected duration of six (6) months or less. An “impairment” is a disability if the impairment is episodic or in remission if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorating effects of mitigating measures, such as ordinary glasses or contact lenses, medication or medical supplies, prosthetics, hearing aids and cochlear implants, and mobility devices.

This policy does not protect employees or applicants who are currently engaged in the illegal use of drugs, or in on-the-job substance abuse of any kind. Likewise, this policy does not protect disabled employees from the consistent application of discipline for unsatisfactory performance or behavior.

- F. Reasonable Accommodation Defined: In accordance with the ADA, the Town will, upon receipt of an employee or applicant request, attempt to provide a reasonable accommodation to individuals with a disability (except for those individuals covered only under the “regarded as” prong, as they are not entitled to a reasonable accommodation). A reasonable accommodation will be considered to be one which is consistent with business necessity, does not impose an undue hardship on the Town (i.e., significant difficulty, service deterioration, expense, or fundamental alteration in the nature of the service, program or activity), and does not pose a direct threat to the employee or others with whom the employee regularly comes in contact. ✍
- G. ✍ Accommodation Procedure: If an employee identifies himself or herself as having been diagnosed with a disability for which accommodation is necessary to perform the essential functions of the job, or if the Town is made aware of the disability, the following steps shall be taken:
1. The employee shall fully inform the Human Resources Director of his or her disability and accommodation needs, and shall submit documentation from his or her physician or health care provider to substantiate the work restrictions or limitations imposed by the disability. All medical documentation shall be submitted to and maintained by the Human Resources Director.
 2. The Human Resources Director and Town Attorney shall make a determination regarding the employee’s status as a qualified individual with a disability and what, if any, accommodation can reasonably be made. The Town’s designated physician, in consultation with the employee’s health care practitioner, may conduct an independent medical evaluation as necessary to guide this determination. The employee’s supervisor shall communicate what accommodation has been determined to be reasonable to the employee, and shall submit documentation of the accommodation offer to the Personnel Department for inclusion in the employee’s personnel file. Periodic documentation (from the employee’s health care provider) of the continued need for accommodation may be a condition of continued accommodation and shall be provided by the employee upon request.
 3. If the employee is dissatisfied with the accommodation decision, he or she may use the Appeal Process (Rules 21 and Rule 22) to appeal the accommodation decision.
 4. Accommodations which have been authorized by Town Management and accepted by the employee shall not be rescinded without the approval of the Human Resources Director or Town Manager.
- H. Life Threatening Conditions: When dealing with situations involving potentially life threatening conditions, supervisors and managers shall take reasonable precautions to protect the confidentiality of the employee’s medical information and health condition. Supervisors or managers shall not disclose information regarding an employee’s medical condition or medical records to individuals who do not have a clear need to know. ✍

Section 3. VIOLATION OF RULES

Violation of the provisions of these rules shall be grounds for rejection, suspension, demotion or dismissal.

Section 4. AMENDMENT AND REVISION OF RULES

An interested person may suggest proposed amendments and revisions to these rules to the Town Council through the Human Resources Director. The Council may, by resolution, change or modify these rules as may from time-to-time be necessary. Amendments and revisions to these rules shall become effective thirty (30) days after adoption of an appropriate resolution by the Town Council. The Human Resources Director will from time to time review the Personnel Rules and Regulations and recommend amendments or revisions to the Town Council. Ω

Section 5. ELIGIBLE EMPLOYEES

The rules and regulations of this merit system shall apply to all employees of the Town of Wickenburg except elected officials, members of boards and commissions, persons engaged under contract to supply professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the Town.

RULE 3. CONDITIONS OF EMPLOYMENT

Section 1. LOYALTY OATH

All employees are required to sign a Loyalty Oath as required by State law.

Section 2. POLITICAL ACTIVITY PROHIBITED

Employees are prohibited from engaging in any political activity relating to any Wickenburg municipal election, or taking any part in municipal political issues, beyond the private expression of personal opinion, registering to vote, signing nominating, initiative, referendum or recall petitions, and voting in any special, primary or general election. As a Town employee, you may be a member of a political party, attend political meetings, cast your vote freely and contribute money to a political party or candidate. No employee in their official capacity with the Town shall solicit any contribution in cash or services from any Town employee to support any candidate for public office. (If you work in the Town Clerk's Office, these rules are different, please check with the Town Clerk.)□

Section 3. SOLICITATION OF POLITICAL SUPPORT PROHIBITED

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

Section 4. RESIDENCE REQUIREMENTS

All employees of the Town are required to establish and maintain residence in accordance with departmental policies as approved by the Town Council within three (3) months after the completion of their probationary period, except for the Town Manager, Police Chief, Fire Chief and Public Works Director, all of whom shall be required to maintain residence within a five (5) mile radius of the Town Limits. ✨

Section 5. PHYSICAL EXAMINATION

Prior to appointment to full-time employment with the Town, each prospective employee who has been given a conditional offer of employment may be required to submit to and receive a satisfactory report of a medical examination by a physician of the Town's choice along with an alcohol and drug screening. Said examination is to be paid for by the Town. Positions that are primarily administrative, except in a public safety position, will not be required to submit to a physical to be eligible for hire.

Section 6. ✍️ NEPOTISM POLICY

Relatives and significant others shall not maintain a regular reporting relationship to one another in a direct chain of departmental command. If such a relationship is created, one of the parties must elect to transfer to or be selected for a vacant position where there is no chain of command reporting relationship. As an alternative, the parties may elect to discontinue the relationship, or one or both parties may elect to resign or retire. Failure to discontinue the relationship, resign, retire, transfer to, or be selected for another position within ninety (90) days shall result in separation of the supervisory employee from service.

Relatives for the purpose of this section shall include the following: parent, spouse, child, grandparent, brother or sister, whether related by blood or marriage (e.g. step, in-law, etc.). Significant others, for the purpose of this section, shall include individuals with a romantic relationship or other close personal relationship (as determined by the Town Manager) which may compromise the chain of command, for example: legal guardian, dependent, or business partner.

It shall be the responsibility of the supervisory employee to immediately notify his or her department head if a relationship as described above is established with a subordinate.

Section 7. CONFLICT OF INTEREST

Employees are required to avoid situations, which give rise to an actual or potential conflict of interest, or the appearance of a conflict of interest. The following guidelines provide general direction, which will allow employees to seek further clarification on issues related to acceptable standards of behavior. An actual or potential conflict of interest may occur when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative of that employee as a result of the Town's business dealings.

It is also a conflict of interest for an employee or a relative of an employee to accept any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealing involving the Town related by blood and/or marriage to an employee, or who lives with the employee may be considered a "relative." An actual or potential conflict of interest may also occur when current employees engage in close personal relationships where one employee is in a position to affect the terms or conditions of employment of the other employee. It is an actual conflict of interest for employees to use Town facilities, equipment, time, or funds for personal affairs, and such actions are strictly prohibited.

When circumstances or conditions exist which may create a potential conflict of interest or the appearance of a conflict of interest, the employee must report those circumstances to the Town Manager / Human Resources Director so that action may be taken to protect the interests of the Town. Employees who engage in an actual conflict of interest or who fail to report potential conflicts of interest are subject to immediate termination.

Section 8. PROHIBITION OF HARASSMENT

The Town of Wickenburg is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate unlawful harassment of our employees by anyone, including any supervisor, co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history). Harassment, which affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment will not be tolerated.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed or visual material, or offensive physical actions. Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex, constitutes harassment when (1) submission to the conduct is required as a term or condition of employment or is the basis for employment action; or, (2) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive workplace. Sexual harassment may include sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching or brushing against another.

Town employees are responsible for helping to enforce the policy against harassment. Any employee who has been the victim of prohibited harassment or who has witnessed such harassment must immediately notify his or her supervisor so the situation can be promptly investigated and remedied. If it is the supervisor who is responsible for the harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager/Human Resources Director or another Department Head. Complaints shall be filed using the confidential memorandum of complaint form; this form can be found on the Town's website, www.wickenburgaz.org/documentcenter, employee forms. It is the Town's policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, the Town will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, the Town will take corrective action, which may include discipline up to and including immediate termination of employment. The Town also forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints. Employees are required to cooperate in all workplace investigations deemed necessary by the employer. Failure to cooperate or sabotage of an investigation can be grounds for corrective action, up to and including termination. ☹

Section 9. ALCOHOL AND SUBSTANCE ABUSE EDUCATION, AWARENESS, TREATMENT AND PREVENTION PROGRAM (Res. 2283/05-21)

A. PURPOSE

To establish a drug- and alcohol-free workplace and a drug and alcohol testing program conducted in accordance with state and federal law.

B. SCOPE

This Drug and Alcohol Abuse Policy (this "Policy") applies to all Town of Wickenburg ("Town") Employees, Volunteers, all applicants who have received conditional offers of employment with the Town, and all employees of Town contractors who are performing services on Town property, or who are operating Town equipment, machinery, or vehicles.

Certain procedures relate only to employees and applicants whose positions require the possession of a commercial driver's license ("CDL") or who perform safety-sensitive functions as defined herein, which employees and applicants are required to sign an acknowledgment that he or she has been provided a copy of this Policy. Given the varied nature of Town needs, employees who are employed to operate commercial motor vehicles have the potential to perform safety-sensitive functions during any part of their job.

C. RESPONSIBILITIES

Human Resources will be responsible for the development, coordination, and documentation of this Policy for the Town. All Town personnel with supervisory responsibility will have knowledge of and be responsible for the communication, enforcement, and adherence to this Policy.

D. DEFINITIONS

1. **"Commercial Motor Vehicle (CMV)"** is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.
2. **"Illegal Drug"** means any substance considered unlawful under the schedules of the controlled substances section of the comprehensive drug abuse prevention and control act of 1970, as amended (P.L. 91-513; 84 Stat. 1247; 21 United States Code section 812), or pursuant to title 13, chapter 34 of Arizona Revised Statutes ("A.R.S.") or the metabolite of the substance.
3. **"Prescription or over-the-counter drugs"** include prescribed and over-the-counter drugs or medications that have been legally obtained and are being used only for the purpose for which they were prescribed or manufactured.
4. **"Refusal to Test"** includes (i) failing to provide a breath or urine sample, (ii) providing insufficient volume without medical explanation, (iii) adulterating or substituting a specimen, (iv) failing to appear in a reasonable time, (v) leaving the scene of an accident without just cause prior to submitting to a test, (vi) leaving the collection facility prior to test completion, (vii) failing to permit an observed or monitored collection when required, (viii) failing to take a second test when required, (ix) failing to undergo a medical examination when required, (x) failing to cooperate with any part of the testing process, or (xi) failing to sign the alcohol test form.
5. **"Safety-sensitive Functions"** include (i) driving a commercial motor vehicle that requires the driver to have a CDL; (ii) Operating a motor vehicle, other vehicle, equipment, machinery or power tools; (iii) inspecting, servicing, or repairing any commercial or other motor vehicle or any equipment or machinery (iv) waiting to be dispatched to operate a commercial motor vehicle; (v) performing all other functions in or upon a commercial motor vehicle; (vi) loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded; (vii) performing driver requirements associated with an accident; (viii) repairing, obtaining, assisting, or remaining in attendance upon a disabled commercial motor vehicle; (ix) Handling hazardous chemicals or materials; (x) Performing water/wastewater operational duties; (xi) Repairing, maintaining or monitoring the performance or operation of any equipment or machinery during which the malfunction or disruption could result in injury or property damage; and (xii) Carrying or use of weapons.

E. POLICY

The Town is committed to protecting the safety, health, and well-being of all employees and other individuals in the workplace. The Town recognizes that alcohol abuse, prescription or over-the-counter drug abuse, and illegal drug use pose a significant threat to its goals. Therefore, the Town has established a drug- and alcohol-free workplace program that balances its respect for individuals with the need to maintain a drug- and alcohol-free environment. The Town encourages employees to voluntarily seek help with drug and alcohol problems.

1. General Prohibitions

The Town prohibits the possession, sale, consumption, or being under the influence of alcohol or illegal drugs by employees, volunteers, and others while in the workplace, during working hours outside the workplace, or while on Town business, or in a Town vehicle. Any employee, volunteer, or other person subject to this Policy who is found possessing, selling, consuming, or being under the influence of alcohol or illegal drugs while on duty will be subject to discipline, up to and including termination. See Section E.3 below for discussion of the use of prescription or over-the-counter drugs.

2. Prohibitions for CDL Drivers

All employees required to hold a CDL as part of their position with the Town must always be immediately available to perform any safety-sensitive function and must comply with these rules at all times while on duty and during periods when they may be called into work for emergency situations. The Town will not permit any CDL driver to operate or continue to perform a safety-sensitive function if he or she:

- a. Has an alcohol concentration of 0.04 or greater as indicated by an alcohol test.
- b. Is using alcohol while performing any safety-sensitive function.
- c. Has used alcohol within 4 hours of performing any safety-sensitive function.
- d. Has used marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine ("PCP"), or MDMA (ecstasy).
- e. Has tested positive for marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, PCP, or MDMA (ecstasy).
- f. Has refused to submit to an alcohol or drug test.

3. Prescription or Over-the-Counter Drug Use

Any employee, volunteer, or other person subject to this Policy who is using prescription or over-the-counter drugs that may impair that person's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work while under the influence of such prescription or over-the-counter drugs. In accordance with A.R.S. § 36-2813, the Town will not discriminate against a person holding a non-safety sensitive position in hiring, termination, or imposing any term or condition of employment or otherwise penalize an employee based on his/her status as a medical marijuana cardholder or positive marijuana drug test as a qualified patient, unless the employee used, possessed, or was impaired by marijuana in the workplace (i.e. on Town premises, in a Town vehicle, or on Town business) or during the hours of employment, in which case the disciplinary provisions of this Policy will apply.

F. TESTING AND PROCEDURES

Employees and prospective employees, as a condition of employment, may be subject to alcohol and drug testing for job-related purposes consistent with business necessity, including, but not limited to, pre-employment for safety-sensitive positions, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing. Sections F.3, F.4, and F.6, AND f.7 apply exclusively to CDL drivers.

1. Pre-employment Drug Abuse Screening

A negative pre-employment drug test result, verified by a medical review officer, is required before an employee can first perform safety-sensitive functions that require a CDL unless the driver is excused from the pre-employment testing requirement pursuant to 49 C.F.R. § 382.301. Pre-employment testing also pertains to current employees who transfer or are promoted into a position covered by this Section. The Town also may test applicants for positions that engage in safety-sensitive functions to the extent consistent with applicable state and federal law.

2. Reasonable Suspicion Testing for Non-CDL Drivers

Reasonable suspicion alcohol and drug tests will be administered as soon as possible when a supervisor or official makes observations concerning the appearance, behavior, speech, or body odors of a non-CDL employee that result in reasonable suspicion that this Policy has been violated. The person making such observations, along with a second management witness, shall record their observations in a signed written statement.

3. Reasonable Suspicion Testing for CDL Drivers

Reasonable suspicion alcohol and drug tests will be administered when a supervisor or official who is trained to detect signs and symptoms of illegal drug use or alcohol misuse makes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a cdl employee that result in reasonable suspicion that this Policy has been violated. The person making such observations shall record them in a signed writing within 24 hours of the observations or before the test results are released, whichever is earlier. Reasonable suspicion alcohol testing based on observations of an employee just before, during, or just after performing safety-sensitive functions is to be done within 2 hours of the observation or a written statement must be prepared to explain any delay; after 8 hours, testing will not be conducted, and a written statement of the reasons must be prepared.

4. Random Testing for CDL Drivers

Random alcohol and drug tests for CDL drivers will be unannounced and spread reasonably throughout the calendar year. Selection for such tests will be made in accordance with 49 C.F.R. § 382.305 and will ensure that each CDL driver has an equal chance of being tested each time selections are made.

5. Post-Accident Testing

Post-accident alcohol and drug testing will be administered in the event of any motor vehicle accident (i) involving the loss of human life or (ii) where the driver receives (within 8 hours of the accident for alcohol testing or within 32 hours of the accident for drug testing) a citation for a moving traffic violation and (a) the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (b) one or more motor vehicles incurred disabling damage requiring the vehicle to be transported away by tow truck or other motor vehicle.

- a. If a post-accident alcohol test is not administered within 2 hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within 8 hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within 8 hours.
- b. If a post-accident drug test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the drug test administered and prepare and maintain on file a record stating the reasons the test was not done within 32 hours.
- c. Copies of such reports and records shall be maintained in both the affected department and in Risk Management.
- d. An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time required to obtain emergency assistance.
- e. The employee may be allowed to return to duty following testing but will not be allowed to drive a vehicle on Town business or perform a safety-sensitive function until the negative test results are received.

6. Return-to-Duty Testing for CDL Drivers

After engaging in prohibited conduct regarding alcohol and/or illegal drug use, CDL drivers cannot return to duty requiring the performance of a safety-sensitive function until they have (i) been evaluated by the Substance Abuse Professional ("SAP"), which is defined as a drug and/or alcohol counselor as designated through the Town's Employee Assistance Program, (ii) successfully complied with the education and/or treatment prescribed by the SAP, and (iii) a return-to-duty test indicating a blood alcohol content ("BAC") of less than 0.02, and/or a negative drug test.

7. Follow-up Testing for CDL Drivers

Following A determination that a CDL driver needs assistance in resolving problems associated with alcohol misuse or illegal drug use, that driver is subject to unannounced follow-up alcohol and/or drug testing as directed by the SAP. The driver shall be subject to a minimum of six follow-up tests for drugs and/or alcohol in the first 12 months following the driver's return to safety-sensitive functions. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty.

8. Testing Procedures

Any drug testing or alcohol impairment testing will normally occur during, or immediately before or after, a regular work period and will be treated as work time. The Town will pay the actual costs for drug testing and alcohol impairment testing of its employees and prospective employees. The Town will pay reasonable transportation costs to current employees if tests are conducted at a location other than the employee's normal work site. Testing will be conducted by a Town selected and approved medical facility or laboratory.

The substances that may be tested for include (i) alcohol and (ii) drugs that are circumscribed by A.R.S., Title 13, Chapter 34, including Amphetamines, Cannabinoids (THC), Cocaine, Opiates, PCP, Barbiturates, Benzodiazepines, Methadone, Propoxyphene, and Oxycodone and the drugs circumscribed by federal law, including marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, PCP, and MDMA (ecstasy), and any substance considered unlawful under the schedules of the controlled substances section of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Drug or alcohol impairment tests may require an employee to provide a sample of blood, breath and/or urine.

To ensure the accuracy and fairness of the testing program, all testing will be conducted according to A.R.S. § 23-493.03 and Substance Abuse and Mental Health Services Administration guidelines where applicable. Testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a medical review officer, including the opportunity for employees who test positive to provide any information that may be considered relevant to the test, such as a physician's prescription; and a documented chain of custody. Samples will be collected under reasonable and sanitary conditions. Samples will be collected, labeled, stored, and transported in a manner reasonably designed to preclude the possibility of contamination, adulteration, or misidentification.

All testing for CDL drivers will be conducted (i) in accordance with applicable federal requirements and (ii) using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services.

G. CONSEQUENCES OF VIOLATING THIS POLICY

1. General Town Employees

Any employee who tests positive for illegal drugs or above 0.04 BAC, who refuses to test, or who otherwise fails to participate in this Policy to the Town's satisfaction may be subject to discipline up to and including termination.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be sent home on administrative leave with pay for a minimum of 24 hours and must retest prior to returning to duty. If upon retest, the employee has a BAC greater than 0.02, the employee may be subject to discipline up to and including termination.

Upon request, employees who test positive may explain the positive test result in a confidential setting.

The appropriate level of discipline will be determined on a case-by-case basis at the Town's discretion and may include treatment or rehabilitation under terms established by the Town. The Town may reassign an employee in any particular job classification or position after the employee, either voluntarily or as the result of a positive alcohol or drug test, seeks treatment or rehabilitation, unless otherwise required by law.

2. CDL Drivers

Any CDL driver who tests positive for illegal drugs or alcohol above 0.04 BAC or who refuses a test will immediately be removed from safety-sensitive functions and referred to an SAP. Such driver may not return to safety-sensitive functions until an SAP has performed an evaluation and the driver has completed any recommended treatment as well as submitted to and tested negative on a return-to-duty test.

Following a BAC of 0.02 or greater, but less than 0.04, a CDL driver will immediately be removed from safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test, and a negative alcohol impairment test.

CDL drivers who violate this Policy shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b) and may be subject to discipline up to and including termination.

3. Prospective Employees

Any prospective employee who tests positive or refuses to test may have the offer of employment withdrawn and the Town may refuse to hire him/her (Except for those in non-safety-sensitive positions who are a medical marijuana cardholder and test positive for marijuana as a qualified patient). An applicant who is not hired because of a positive test result may not reapply for a period of 6 months, except that applicants for police who test positive will remain ineligible for rehire.

H. ASSISTANCE

The Town recognizes that alcohol and drug abuse and addiction are treatable illnesses. The Town also realizes that early intervention and support improve the success of rehabilitation. To support its employees, this Policy:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
2. Offers assistance with drug and alcohol problems to all eligible employees and their family members through the Employee Assistance Program.

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you may request a leave of absence for this purpose, which may be covered leave under the Family and Medical Leave Act, ADA or other laws under certain circumstances. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this Policy. If you need assistance in seeking this help, you may contact the Employee Assistance Program. No one will be discriminated against for undertaking rehabilitation.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

I. CONFIDENTIALITY; RESULTS

All information received by the Town through the drug- and alcohol-free workplace program is confidential communication and will be maintained in separate confidential records. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws, including without limitation A.R.S. § 23-493.09, and management policies. Tested employees have the right to obtain their written test results if they request them.

J. SHARED RESPONSIBILITY

A safe and productive drug- and alcohol-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs.

In addition, employees are encouraged to:

1. Be concerned about working in a safe environment.
2. Support fellow workers in seeking help.

3. Use the Employee Assistance Program.
4. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

5. Inform employees of this Policy.
6. Observe employee performance.
7. Investigate reports of dangerous practices.
8. Document negative changes and problems in performance.
9. Counsel employees as to expected performance improvement.
10. Refer employees to the Employee Assistance Program.
11. Clearly state consequences of Policy violations.

K. COMMUNICATION

Communicating this Policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting our drug- and alcohol-free workplace program:

1. All employees will receive a written copy of this Policy.
2. All CDL drivers shall sign a statement certifying that they have received a copy of this policy.
3. This Policy will be reviewed in orientation sessions with new employees.

L. OTHER LAWS

This Policy will be construed in accordance with federal, state and local laws, including without limitation, the Americans with Disabilities Act, the Family Medical Leave Act and the OMNIBUS Transportation Employee Testing Act of 1991.

Section 10. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (“FMCSA”) CLEARINGHOUSE (Res. 2271/08-20)

- A. **General.** This section applies to all Commercial Driver Licensed (CDL) employees and is in addition to the provisions of Section 9 above. If any provision of Section 9 conflicts with this section or the provisions of 49 CFR Part 382, the provisions of this section and 49 CFR Part 382 shall apply. The Town and all CDL employees are federally mandated to comply with the reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382.
- B. **Consent to Clearinghouse Reports.** CDL employees shall provide the necessary consent for the Town to perform clearinghouse queries, including electronic authorization for all full queries. If a CDL employee fails to provide such consent, then the CDL employee is unable to perform safety-sensitive functions under federal law and the CDL employee will be removed from duty. The refusal to provide consent shall also be considered a violation of this policy and the CDL employee may be subject to disciplinary action, including termination.
- C. The Human Resources Director is responsible for ensuring that drug and alcohol testing required by 49 CFR Part 382 is performed in compliance with that regulation.
- D. The Human Resources Director shall prepare educational materials to comply with 49 CFR §382.601. The Human Resources Director shall provide the educational materials to each CDL employee prior to the start of alcohol and controlled substances testing and to each CDL employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- E. The Human Resources Department is responsible for making queries required by the Drug and Alcohol Clearinghouse as set forth in 49 CFR §382.701, for compliance with the reporting requirements set forth in 49 CFR §382.705

RULE 4. APPLICATIONS AND APPLICANTS

Section 1. EMPLOYMENT PREFERENCE

In filling new positions or vacancies in the classified service, and when feasible, an announcement shall first be posted in at least three (3) separate buildings occupied by Town employees, one of which shall be the Town Hall. Existing members of the classified service shall have preference if all other employment factors are equal. The Human Resources Director, along with the appropriate department head, shall within fifteen (15) days after posting, determine if one or more qualified and existing employees are available to fill the position from within the classified service. If no existing employee is determined to qualify for the position, then and in that event, the procedure set forth in the remaining sections of Rule 4 shall be followed.

Section 2. ANNOUNCEMENTS

All positions available in the classified service shall be publicized by publishing an advertisement in a newspaper of local circulation, and by posting announcements in the Town Hall on official bulletin boards and by such other methods as the Human Resources Director deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, preparation desirable for the performance of the work class, the manner of making applications and other pertinent information.

Section 3. APPLICATION FOR EMPLOYMENT

All candidates for employment must apply through the Human Resources Director and complete a proper application form for employment. Applications shall be made as prescribed on the position announcements. Application forms shall require information covering training, experience and other pertinent information. The person submitting the application must sign all applications.

RULE 5. CLASSIFICATION (Res 2324-3/23)

The Town Manager will direct the preparation, development and maintenance of a Classification Plan, including job descriptions that define essential tasks, qualifications, knowledge and skills, and requirements of all positions.

Purpose. The Classification Plan shall be designed so that all positions substantially similar in duties, responsibilities, authority, and character of work are similarly classified and compensated. Positions substantially different in character are also classified and compensated appropriately.

Section 1. PLAN AMENDMENT

The Classification Plan may be amended from time to time by ordinance, resolution, motion or adoption of the Town's annual budget. The Plan will be amended as the duties, responsibilities and employment conditions change. The Plan will also be amended when a new position is created. The Town Manager must approve any amendments and additions to the Town's Classification Plan and related job descriptions.

Job descriptions shall be maintained by the Human Resources Director for all regular full-time and regular part-time positions.

Job descriptions are descriptive only and are intended to illustrate the various types of work performed. The omission of specific tasks does not exclude them from the position requirements. Supervisors may assign different tasks to a position when the duties are similar in type and responsibility to those described in the job description.

The job description does not constitute an employment agreement between the town and employee. It is subject to change as the needs of the town and the operating requirements of the job change.

Section 2. RECLASSIFICATION OF A POSITION

When the duties or responsibilities of a position have changed significantly, the Town Manager will ensure that the position is reclassified accordingly.

Section 3. ABOLISHMENT OF A POSITION

Any position not established by Title 9, Arizona Revised Statutes, may be abolished by the Town Manager. Employees transferred, demoted, terminated or laid-off because a position is abolished do not have the right of appeal.

Section 4. EMPLOYMENT CLASSIFICATIONS

Positions within the town are generally designed for full-time employees. In certain functions and during some seasons, work schedules and town needs may require the services of other than full-time employees. Employee classifications that correlate to their work schedules are defined below.

1. Regular. An employee working in a position that has no defined ending date. A regular employee may be full-time or part-time, and classified or unclassified.
2. Full-Time. An employee hired in a position for which the normal work schedule is 30 hours or more per week.
3. Part-Time. An employee hired in a position for which the normal work schedule is less than 30 hours per week.
4. Probationary Period. A classified employee hired for an indefinite period in a full-time or part-time position. The employee's performance is being evaluated to determine whether he or she should be transferred to regular status or should be terminated.
5. Promotion Probation Period. An employee who has been promoted and is being evaluated to determine if the promotion is appropriate.

6. Temporary or Seasonal. An employee hired for a position that has a defined ending date or is anticipated to last no longer than one (1) year. The position may be scheduled for any number of hours per week, not normally to exceed 40.
7. Reserve/Volunteer. A person who has volunteered to provide services to the Town for no or nominal pay at irregular intervals in one or more of the Town departments. Reserve/Volunteer Police Officers and Firefighters are included in this category.

As defined by the Fair Labor Standards Act (FLSA), a volunteer is an individual who performs a service for the town without expectation of payment for this service. Employees of the town may volunteer hours of service to the town as long as the service is not the same type of service that the employee normally performs in the course of his or her normal employment. The fact that the individual receives reimbursement of expenses and/or a nominal fee does not change the volunteer status.

Unless otherwise employed by the town, volunteers do not have access to the Discipline System and the Grievance Procedures described in these rules and are not entitled to, or covered by, any employee benefits under this policy other than coverage under the town's workers' compensation and liability insurance.

Volunteers must conduct themselves in accordance with the standards applicable for employees of the town set forth in this manual and any department specific regulations. A volunteer's services to the town may be dismissed or terminated by the town at any time, with or without cause.

Reserve/volunteer firefighters and police officers are required to obtain and maintain certifications specified by the Fire/Police Departments and may be provided reimbursement for uniform and equipment expenses at the discretion of the Town Manager.

RULE 6. EXAMINATIONS

Section 1. NATURE AND TYPES OF EXAMINATIONS

The selection and techniques used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which fairly, without discrimination or favoritism, 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 validated selection techniques, which will test fairly the qualifications of candidates. A reasonable accommodation will be offered to an otherwise qualified individual with a disability if necessary.

Section 2. PROMOTIONAL EXAMINATIONS

Promotional examinations may be conducted whenever, in the opinion of the Human Resources Director, the needs of the service require. Only permanent or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

Section 3. NOTIFICATION OF EXAMINATION RESULTS

Each candidate in an examination shall be given written notice of the results thereof, and if successful, the candidate's final earned score and/or rank on the employment or promotional list shall also be provided.

RULE 7. EMPLOYMENT LISTS

Section 1. EMPLOYMENT LISTS

As soon as possible after the completion of an examination, the Human Resources Director shall prepare and keep available, an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores or ranks from the highest to the lowest qualifying score.

Section 2. DURATION OF LISTS

Employment lists shall remain in effect for one (1) year, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event shall an employment list remain in effect for more than two (2) years.

Section 3. REMOVAL OF NAMES FROM LISTS

The name of any person appearing on an employment or promotional list shall be removed by the Human Resources Director upon written request by the eligible person, if the eligible person fails to respond to a notice of certification mailed to the last known address, or for any of the reasons specified in Rule 3, Section 2, of these rules. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE 8. METHOD OF FILLING VACANCIES

Section 1. TYPES OF APPOINTMENT

All vacancies in the classified service shall be filled by transfer, promotion, demotion, re-employment, reinstatement, or from eligible certified by the Human Resources Director from an appropriate employment list, if available. In the absence of persons eligible for employment in these ways, provisional appointments may be made.

Section 2. 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 Human Resources Director of a person meeting the minimum training and experience qualifications for the position. Upon satisfactory completion of probation, the provisional appointee shall become a permanent employee.

RULE 9. PROBATIONARY PERIOD

Section 1. REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD

All original appointments and/or reappointments shall be tentative and subject to a probationary period of six (6) months for all employees, except employees of the fire department and police department, who shall be subject to a probationary period of one (1) year of actual service, provided however, that the Human Resources Director may establish a longer probationary period for specified classes of employees or for individual employees. Employees transferring or promoting will only serve a ninety (90) day probationary period for all employees, except employees of the police department and fire department, who will serve a six (6) month probationary period. At the end of the probationary period, the Human Resources Director shall enter into the employee's personnel record, his or her decision to either retain the employee or to dismiss the employee. In the case of employees that require a certification, license, or other credential as a requisite to the practicing of their profession of occupation, the probationary period shall not commence until said certification, license or other requisite credential has been obtained by the employee.

Section 2. EXTENSION OF PROBATION

Probation may be extended one (1) time for a maximum period of ninety (90) days with the approval of the Human Resources Director.

Section 3. OBJECT OF PROBATIONARY PERIOD

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

Section 4. REJECTION OF PROBATION

During the probationary period, his or her supervisor may reject an employee after approval of the Human Resources Director, without cause and without right of appeal. Probationary status without right of appeal is continuous until the employee is notified that they have successfully completed probation or is terminated during or at the end of probation. Notification of rejection in writing shall be forwarded to the probationer and a copy filed with the probationer's file.

RULE 10. ATTENDANCE AND LEAVES

Section 1. HOURS OF WORK (Res. 2324-3/23)

An employee is expected to work the days and hours necessary to perform all assigned responsibilities and tasks in order to provide continuity in access by and service to the residents and to facilitate teamwork and supervision. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of evaluation periods and continued employment with the town.

- 1. Normal Workweek and “Work Week”.** The standard workweek shall consist of forty (40) hours. The workweek commences on Saturday morning at 12:01 a.m. and ends the following Friday evening at midnight with the exception of the Police and Fire Department. The normal work schedule for employees is ten (10) hours a day, four (4) days a week, with one unpaid lunch period each day.

Temporary weekly modifications to the normal workweek and work schedule may be made by the Department Director. Permanent modifications to the normal workweek and work schedule must be approved by the Human Resources Director and Town Manager, subject to any Federal or State statutory or constitutional limitations relating to hours of work.

- 2. Absences and Tardiness.** Advance notice is expected.
 - a. Advance notice of absence is expected. Notice of unavoidable absences is expected within one (1) hour of the beginning of duty or as soon as possible if the employee is physically unable to notify his or her supervisor.
 - b. Advance notice of anticipated tardiness is expected. Notice of unavoidable tardiness is expected within thirty (30) minutes of duty or as soon as possible.
 - c. Notification of an absence or tardiness by another employee, friend or relative is not considered proper, except in an emergency situation where the employee is physically unable to make the notification.
 - d. Poor attendance and frequent tardiness are disruptive, either may lead to disciplinary action, up to and including termination of employment.
- 3. Flexible Work Schedules.** All positions may be considered for alternative work scheduling on a case-by-case basis in situations where creative work schedules have been shown to accomplish both work and personal goals, to provide coverage for individual department operations and to serve the town as a whole with increased productivity at no expense to quality and output. Options that may be considered are flextime, compressed workweeks and job-sharing.

The department director is responsible for identifying if any of the aforementioned staffing options are workable within the department. All flexible working arrangements are subject to change per business necessity and may be canceled for any reason by management.

Flexible work arrangements are not appropriate for all employees or positions and are not a universal employee benefit. In order for a flexible work schedule to be approved, the employee must have a satisfactory attendance record, meet all performance expectations in his or her current role and consistently demonstrate the ability to complete tasks and assignments on a timely basis. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant disruption to performance and/or service delivery.


- 4. Meal Breaks and Rest Breaks.**
 - a. Town employees who work a regular ten (10) hour workday will have meal breaks that ordinarily last from thirty (30) to sixty (60) minutes depending on Department Policy. A meal break cannot be taken at the beginning or end of the day, or applied to any type of leave time, without the express approval of the Department Director.
 - b. Paid rest breaks are not required by law and are at the discretion of the appropriate Department Director. Schedules permitting, full time employees may take one fifteen (15) minute break in the morning and one fifteen (15) minute break in the afternoon.

Unless expressly approved by the Department Director, these breaks may not be taken at the beginning or ending of a work shift, taken immediately before or after lunch, applied towards an alternative work schedule, or used as leave time. Work demands may preclude the granting of a rest break. If the breaks are not used, they are lost; they do not accumulate.

Section 2. ANNUAL VACATION LEAVE (Res. 2324-3/23)

Vacation leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Unless otherwise provided in this manual, an employee shall not accrue vacation leave with pay until the employee has successfully completed the probationary period, if applicable. A regular full-time employee who has not accrued vacation leave during the probationary period will be credited upon successful completion.

1. **Eligibility.** Regular full-time classified employees, who have successfully completed the probationary period.
2. **Rates of Accumulation.** The amount of paid vacation time employees receives each year depends on the employee’s classification and increases with the length of their employment as shown in the following schedules:

YEARS OF SERVICE	ANNUAL VACATION ENTITLEMENT 	ANNUAL VACATION ENTITLEMENT (24-HOUR SHIFT FIRE DEPARTMENT EMPLOYEES)
After First Six (6) Months	40 Hours	60 Hours
After First (1 st) Year	40 Hours	60 Hours
After Second (2 nd) Year	80 Hours	120 Hours
After Fifth (5 th) Year	120 Hours	180 Hours
After Sixth (6 th) Year	128 Hours	192 Hours
After Seventh (7 th) Year	136 Hours	204 Hours
After Eighth (8 th) Year	144 Hours	216 Hours
After Ninth (9 th) Year	152 Hours	228 Hours
After Tenth (10 th) Year	160 Hours	240 Hours
After Fifteenth (15 th) Year	176 Hours	264 Hours
After Twentieth (20 th) Year	200 Hours	300 Hours
After Thirtieth (30 th) Year	208 Hours	312 Hours
After Thirty-First (31 st) Year	216 Hours	324 Hours
After Thirty-Second (32 nd) Year	224 Hours	336 Hours
After Thirty-Third (33 rd) Year	232 Hours	348 Hours
After Thirty-Fourth (34 th) Year	240 Hours	360 Hours

Vacation time off is paid at the employee’s base pay rate at the time of vacation. It does not include overtime or any special forms of compensation.

The maximum amount of vacation leaves an employee may accumulate at any time is 240 hours and 336 hours for 24-hours shift fire department employees, unless otherwise approved by the Town Manager.

3. **Request for Leave.**
 - a. Non-exempt employees must use vacation leave time in increments of not less than one (1) hour.
 - b. Requests shall be submitted at least 5 days in advance. Department directors shall have the discretion to modify on a case-by-case basis.
 - c. Requests will be reviewed based on a number of factors, including town needs and staffing requirements.

4. **Termination of Employment.** Upon termination of employment for any reason, employees will be paid for accrued unused vacation time that has been earned through the last day of work at the employee's rate of pay at the time of termination. No vacation leave will be paid, if an employee does not successfully complete their probationary period.
5. **Vacation Cash Conversion.** Eligible employees are permitted on a voluntary basis to exchange up to eighty (80) hours of accrued vacation for compensation at their regular rate of pay up to one (1) time per calendar year. A minimum of eighty hours must remain in the employee's vacation leave balance.

To request a vacation leave payout, an employee must submit the designated election form to the Payroll Department. The written election is irrevocable.

Section 3: SICK LEAVE (Res. 2324-3/23)

1. **Requirements for Taking Sick Leave.**
 - a. Sick leave shall not be used in lieu of vacation, nor shall it be used in addition to vacation.
 - b. Sick leave, with pay, shall be available for use by employees who have been in the employment of the Town for ninety days or more.
2. **Rate of Accumulation.**
 - a. Full-time permanent employees accrue sick leave from the date of employment, and at the rate of eight (8) hours per month and 11.2 hours per month for 24-hour shift fire department employees and said accrued sick leave shall be credited each pay period. Full-time employees may accumulate a maximum of nine hundred and sixty (960) hours of sick leave.
 - b. Part-time, temporary, and seasonal employees accrue sick leave from the date of employment at a rate of one (1) hour for every thirty hours worked. Part-time, temporary, and seasonal employees may accrue no more than 40 hours of sick leave per fiscal year.
 - c. No sick leave with pay will be available for use by the employee during the first ninety days of employment.
3. **Allowable Uses.** Sick leave shall not be considered a privilege which an employee may use at his or her own discretion but shall be allowed only in case of necessity and employee's or employee's family member's actual mental or physical illness, injury, or other health condition; or need for diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for preventative medical care; or for a dental appointment.
 - a. Sick leave for doctors or dentist appointments shall be requested, in writing, at least twelve (12) hours in advance of the appointment, if known.
 - b. Employees who use sick time for illness of family members may use up to three (3) working days without requiring a physician's certificate by giving the same notice as outlined below.
 - c. More than three (3) working days may be granted subject to approval by immediate supervisor and Human Resources Director prior to use.
 - d. Employees who have or whose spouse, child or parent has a serious health condition as defined in Section 15 may be eligible for Family and Medical Leave of Absence, pursuant to Section 15. Such employees must follow the procedures set forth in Section 15 in order to receive Family and Medical Leave.
 - e. Sick leave may also be used for a public health emergency or due to domestic violence, sexual violence, abuse or stalking for the employee or employee's family member, as set forth in A.R.S. § 23-373.
4. **Notification to Supervisor.**
 - a. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor within one hour of the beginning of duty or as soon as possible if the employee is physically unable to.
 - b. The direct supervisor must also be contacted on each additional day of absence unless the sick leave is part of the FMLA leave program.

5. Physician’s Verification.

- a. When absent for more than three (3) successive working days, the employee shall be required to file a physician’s certificate with the Human Resources Director stating the nature of illness or injury or in the case of domestic violence, sexual violence, abuse, stalking or public health emergency the employee shall be required to file reasonable documentation, as set forth in A.R.S. § 23-373(G).
- b. Verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits and/or to authorize that the employee may safely return to work.
- c. If the evidence of illness provided is determined by the Department Head to be inadequate, the absence may be charged to another category of leave or considered leave without pay.
- d. Physician’s or other qualified medical practitioner’s verification statements are to be forwarded to the Human Resources Department.
- e. An electronic request for sick leave must be completed immediately upon the employee’s return to work.

6. Personal Day. One (1) day per year, tracked in a calendar year, of sick leave may be used as personal leave at the discretion of the employee, without disclosure of the reason, with advance notice given and subject to approval of the employee’s immediate supervisor.

7. No Sick Leave Available. An employee who has a non-work-related illness or injury and has exhausted accumulated sick leave may apply for special leave without pay.

8. Transfer of Sick Hours to Vacation. Thirty (30) hours of sick leave may be converted to vacation each year if an employee has an accumulated amount in excess of one-hundred and twenty (120) hours. This must be done between the 15th of December and 3rd of January each year. To request conversion, employee must submit a Sick to DESIGNATED ELECTION FORM to payroll.

9. Termination of Employment.

- a. At the time of resignation or retirement, an employee in good standing shall receive the cash value of their accumulated sick leave balance up to a maximum of five-hundred and sixty (560) hours as calculated below:

Years of Continuous Service	Payout Percentage
Five (5) to less than ten (10) years	10%
Ten (10) to less than fifteen (15) years	25%
Fifteen (15) plus years	50%

- b. Years will be calculated on the employee’s full-time Date of Hire/Length of Service Anniversary.
- c. Employees, in good standing, who leave town employment and become re-employed with the town within one-hundred and twenty (120) days, will use their original Date of Hire anniversary for calculating years of continuous service.

Section 4. VACATION DONATION (Res. 2324-3/23)

Occasionally, employees encounter serious medical situations that force them to use more leave than they have accrued. This policy provides the opportunity for co-workers and other employees to help this individual by transferring their own vacation leave time.

1. Eligibility. All regular employees who have been employed with the Town at least six months and who are eligible to accrue sick leave shall be eligible to receive donated vacation leave under this policy.

To receive the donated leave, the employee must have fulfilled all of the following conditions:

- a. The employee must have used all sick leave, vacation leave and compensatory time.
- b. The employee cannot be eligible for payment through a town-sponsored disability program, such as workers’ compensation or short-term disability.

- c. The employee cannot be eligible for payment from the retirement system or social security.
 - d. The employee cannot be eligible for any publicly funded financial assistance program for the disabled.
- 2. Leave Donation.** Vacation leave donation is strictly voluntary. Employees who have accumulated a substantial leave balance have earned this time for their own use and should not be pressured into donating leave. The following guidelines apply to employees wishing to donate leave.
- a. Only vacation leave may be donated. Compensatory time and sick leave cannot be transferred to another employee.
 - b. The leave will be donated on an hour for hour basis.
 - c. There is no maximum amount of leave that can be donated by any one individual. However, the donor must maintain a minimum vacation leave balance of forty (40) hours after the donation.
 - d. There is no limit to the number of individuals that may donate leave to one employee.
 - e. Donated time that is not used will not be returned to the donor. This unused leave will be assigned to a leave bank for use of a future eligible employee. The Town Manager shall allocate leave from this bank at his or her discretion.
 - f. Under no circumstances may the recipient pay for or repay the donated hours.

Section 5. LOSS OF BENEFITS FOR EXTENDED ILLNESSES

Employees who are off work because of illness or injury and have exhausted all of their wages or salary, sick leave, credited vacation leave, and donated vacation leave shall be considered an “Employee Without Benefits” as that term is defined in Rule 1 of these *Personnel Rules and Regulations*.

Section 6. MILITARY LEAVE (Res. 1642/8-10) (Res. 2166 – 08/18)

- A. **IN GENERAL** - Leaves of absence for military, reserve or National Guard duty are granted to full-time regular and part-time regular employees in accordance with Federal and State law. Pursuant to ARS § 38-610, as amended, employees shall be granted military leave without loss of time, pay or efficiency rating for a period not to exceed thirty (30) days in any two consecutive years. If an employee’s military leave exceeds thirty (30) days in any two consecutive years, the employee shall be granted leave of absence without pay in accordance with Federal and State law. For the purposes of this section “year” means the fiscal year of the United States Government.
- B. **USE OF PAID MILITARY LEAVE** – An employee shall not be charged military leave time for days on which the individual would not otherwise be scheduled for work.
- C. **NOTICE** - If an employee is called to active military duty or to Reserve or National Guard training or if an employee volunteers for the same, the employee should notify his/her supervisor and submit copies of the military orders to him/her as soon as practicable.
- D. **REINSTATEMENT** – An employee’s eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws.
- E. **VACATION ACCRUALS** – An employee shall continue to accrue annual vacation leave in the manner set forth in Section 2 of this rule during the time that the employee is on military leave.

Section 7. MATERNITY/PATERNITY LEAVE

Maternity and paternity leave may be granted to employees under the terms, conditions and regulations as set forth in the Family and Medical Leave provisions set forth in Section 15 of this Rule (10).

Section 8. LEAVE WITH PAY

Leave with pay for sufficient cause (including illness) may be granted to permanent employees of the Town upon determination by the Human Resources Director, up to and including five (5) consecutive working days or ten (10) total working days in any twelve (12) month period. More extended periods of leave with pay may not be granted except by express approval of the Town Council.

Section 9. JURY LEAVE

All classified employees of the Town who are called or with the Town during the period of such service or while necessarily being present in court as a result of such call, the Town will pay the difference between jury pay and the employee's pay so as to maintain regular rate of pay. The Town may request employee to be excused from jury duty.

Section 10. SUBPOENA LEAVE

All classified employees of the Town shall be entitled to be exempt from their duties with the Town when required to appear in Court as a witness under a subpoena. If the Court appearance is on Town business, the employee will be reimbursed at full salary for work hours missed.

Section 11. ADMINISTRATIVE LEAVE

The Town Manager may place an employee on Administrative Leave for a reasonable period to permit an Administrative Investigation or to allow for due process in dismissal proceedings. Employees on Administrative Leave shall receive his/her regular salary. All regular leave and benefits shall continue to accrue during the Administrative Leave. During any Administrative Leave, the employee shall stay available during regular work hours for possible contact by the Town. The employee shall provide a telephone number by which he or she can be reached during business hours. ♠ Res. 1568/3-3-08

Section 12. FUNERAL LEAVE

In the event of a death in the immediate family, time off with pay to attend the funeral shall be granted. This shall consist of one (1) to four (4) days depending on the circumstances, within the period commencing with the date of death and ending with the day after the funeral; and be granted by arrangement with the Human Resources Director; provided, however, that the maximum is three (3) days for a death occurring in-state and four (4) days maximum for a death outside of the state, with the fourth (4th) day being considered a travel day. Additional leave time may be considered depending on the circumstances with prior approval of the Human Resources Director and shall be charged to the employee's vacation time. Immediate family is defined as spouse, children, grandchildren, mother, grandmother, father, grandfather, sister, or brother of employee or spouse. Time off without pay to attend a funeral of a more distant relative or friend may be allowed with prior approval of the Human Resources Director.

Section 13. MISCELLANEOUS LEAVE

In cases of special hardships, or in other cases not provided for in these regulations, the Human Resources Director may grant short-term leaves. Time off on general election days will be in accordance with Arizona State Law (A.R.S. §16-402). □ Res. 1549/6-07

Section 14. HOLIDAYS (Res. 2324-3/23)

- 1. Designated Holidays.** Holidays as determined annually by the Town Manager. The holiday schedule shall be finalized no later than November 20th for the following calendar year.
- 2. Holiday Pay.** Holidays will be observed without loss of pay. Regular full-time employees in active pay status will receive an amount equivalent to their regularly scheduled shift for each Designated Holiday in the pay period in which the Holiday is observed at their base rate, not to exceed 10 hours. This amount will be known as a "Holiday Pay" and is not included in the calculation of overtime. Part-time employees shall be entitled to half the number of hours designated for their Department, provided they work during the holiday pay-period.
- 3. Holiday While on PTO.** Designated Holidays observed while an employee is on PTO will be counted as a holiday and not as PTO.

4. **Holiday Worked Pay.** Hourly employees required to work on a Designated Holiday, regardless of when the holiday is observed, will be paid a premium rate of an additional one-half (1/2) the employee's base hourly rate for hours actually worked on that date. Holiday Worked is in addition to the Holiday Pay.
 - a. Example: July 4th lands on Sunday (Designated Holiday). The Town observes the Holiday on Monday, July 5th (Observed Holiday). The employee would receive an additional one-half (1/2) of their base rate for the hours worked on Sunday, July 4th. Only the hours actually worked from 12:00am through 11:59pm would be paid as Holiday Worked.

Section 15. FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY  Res. 1616/7-09

A. FAMILY AND MEDICAL LEAVE:

1. Town of Wickenburg employees employed for twelve (12) months or more (consecutive or non-consecutive) AND who have worked at least 1,250 hours in the preceding year, may qualify for a maximum of twelve (12) weeks of leave per year for one (1) or more of the following reasons:
 - The birth of the employee's child and in order to care for the child during the first year of birth;
 - The adoption of a child by the employee, or the placement of a child with the employee for foster care, and in order to care for the child during the first year of placement; or,
 - To care for a spouse, child or parent who has a serious health condition or due to the employee's own serious health condition.

Where employment has not been consecutive, an employee is eligible if the break in service has been no longer than seven (7) years unless; 1) the break in services resulted from an employee's fulfillment of National Guard or Reserve military service; and, 2) where a written agreement exists concerning the employer's intention to rehire the employee after the break in service. For purposes of calculating the 1,250 hours-within-12-month requirement, the town will count the time an employee would have worked but for the employee's fulfillment of National Guard or Reserve military obligations.

Eligible employees shall concurrently deplete their Family and Medical Leave (FMLA) together with accrued leave, donated leave or approved injury leave. Where an employee would normally be required to work overtime but cannot do so because of an FMLA-qualifying condition, then the employee may be charged FMLA leave for the hours not worked.

2. Serious Health Condition - For purposes of FMLA, a "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves inpatient care as used in this policy or continuing treatment by a health care provider as used in this Policy.
 - a. The term "incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.
 - b. The term "treatment" includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). A regimen of continuing treatment that includes taking over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
 - c. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of the section are met.

- d. "Inpatient Care" means an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.
- e. "Continuing Treatment" means a serious health condition involving continuing treatment by a health care provider includes any one (1) or more of the following:

Incapacity and Treatment means a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- i. Treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse, under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or,
- ii. Treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period shall be determined by the health care provider. The term "extenuating circumstances" means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider.

3. Chronic Conditions -

- a. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which (1) requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (2) continues over an extended period of time, including recurring episodes of a single underlying condition; and, (3) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- b. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- c. Any period of absence to receive multiple treatments, including any period of recovery therefrom, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for: (1) restorative surgery after an accident or other injury; or (2) a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).
- d. Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

4. Leave Request Procedure - An employee requiring leave must submit a written request to his or her supervisor stating the reason for the leave and the expected beginning and ending date of the leave. When the need for leave is foreseeable, such as an expected birth or adoption or for a planned medical treatment, the employee must request leave at least thirty (30) days before the leave period is expected to begin. However, when such advance notice is not possible, a leave request shall be submitted as soon as practicable before the beginning of the leave. (In the event of a medical emergency, leave

may be requested orally as soon as reasonably possible by either the employee or a responsible family member if the employee is unable to make the request, provided that the employee should submit a written leave of absence request as soon as he or she is able). A failure to provide adequate notice prior to a requested leave date may result in postponement of the date on which leave may begin. Calling in "sick" without further information is not sufficient to trigger FMLA leave protections. When leave is anticipated for the purposes of medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the leave, including intermittent or reduced schedule leave, so as not to unduly disrupt normal business operation. When leave is requested due to a serious health condition of the employee or a family member, the Town reserves the right, for justifiable cause, to require the employee to attempt to reschedule medical treatment relating to the condition, subject to the ability of the health care provider to reschedule the treatment and the approval of the health care provider to any modification of the treatment schedule.

5. Medical Certification - For leave due to a serious medical condition of the employee or a family member, the Town requires the submission of a medical certification signed by the licensed health care provider treating the employee or affected family member. This certification shall be provided before leave is possible, but in no event within five (5) business days after the employee notifies the Town of the need for FMLA leave. While the town may contact an employee's health care provider directly (with employee's consent), in no event shall the employee's direct supervisor make such contact. The Town also reserves the right to require medical recertification from time to time during the leave period, but not more than once every thirty (30) days if the minimum duration of the condition is longer than thirty (30) days. The town further reserves the right to obtain a second medical opinion with respect to any medical certification provided on behalf of an employee or family member. The necessary certification forms will be provided upon receipt of the employee's Leave Of Absence request. A failure to complete and submit an adequate medical certification form in a timely manner may result in denial or postponement of the leave or denial of continuation of the leave.
6. Pay Status - An employee going on leave must utilize all accrued and unused sick leave and vacation as part of his or her leave period, and will receive all normal and customary pay for sick leave and vacation time used, unless this is a Worker's Compensation Leave, then they have the option of using leave time. However, if these benefits are exhausted prior to the end of the leave, the remainder of the leave will be without pay. Sick leave and vacation benefits will not continue to accrue during leave periods.
7. Benefits - The Town will make its normal contributions for health insurance premiums for an employee on approved leave at the same rate and in the same manner paid while the employee is present at work. For paid portions of a leave, premium payments, which are the employee's responsibility, will be deducted from pay in the normal manner. Any portion of insurance premiums that are the employee's responsibility during unpaid leave must be paid on the date payroll premium deductions are normally made. A failure to make required insurance premium payments while on leave might result in the loss of insurance coverage. The Town also reserves the right to recover all insurance premium payments on behalf of an employee during leave in the event the employee fails to return to work following the expiration of his or her leave period unless the failure to return is due to a continuation, recurrence, or onset of a serious health conditions or other circumstances beyond the employee's control.
8. Return From Leave - An employee returning to work upon the expiration date of his or her leave will be reinstated to the previous position held or to an equivalent position with the same pay and benefits. Upon return from a leave due to the employee's serious health condition, the employee must provide a medical certification that the employee is physically able to resume work prior to being reinstated. If, at any time during a leave, an employee determines that he or she will not return to work upon the expiration of the designated leave period, the supervisor should be advised of the fact in writing as soon as possible. Reinstatement following a leave may be denied if (1) The employee's position is eliminated or a layoff occurs during the leave period; (2) Leave is fraudulently obtained; (3) The employee fails to return to work after using his or her twelve (12) weeks of leave entitlement during the leave year; or, (4) For any other reason permitted by law.

B. MILITARY CAREGIVER LEAVE  Res. 1616/7-09

Eligible employees shall be granted job protection for a cumulative total of up to twenty-six (26) weeks (or the corresponding number of work hours) of military caregiver leave in a single twelve (12) month period based on a per-service member, per-injury entitlement. For example, an eligible employee may take twenty-six (26) weeks in a twelve (12) month period to care for a covered service member and then may take another twenty-six (26) weeks in another twelve (12) month period to care for the same service member with a subsequent injury or illness or to care for another covered service member. Employees are limited to twenty-six (26) weeks of military caregiver leave when leave is requested to care for multiple service members in a single twelve (12) month period. If an employee does not use the full twenty-six (26) weeks in a single twelve (12) month period, the remaining workweeks are forfeited. The "single twelve (12) month period" for military caregiver leave begins on the first day the employee takes leave and ends twelve (12) months after that date. Military caregiver leave is available to care for the employee's spouse, son, daughter, parent or next of kin whose serious illness or injury is due to his or her military service. The Town may seek reasonable documentation of the familial relationship.

C. QUALIFYING EXIGENCIES FOR NATIONAL GUARD AND RESERVES PERSONNEL AND FAMILY 

Families of National Guard and Reserves active or retired personnel on active duty may also be granted leave to manage their affairs for qualifying exigencies. Qualifying exigencies are:

1. Short term deployment;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and recuperation (limited to five (5) days of leave for each instance);
7. Post-deployment activities;
8. Additional activities where the Town and employee agree to the leave.

Qualifying exigency leave is not available for those on active duty or call to active duty status in support of a contingency operation as a member of the regular armed forces.

The town may require employees to provide a copy of the military member's active duty orders or other military-issued documentation that indicates that the covered military member is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and the dates of the active duty services. The town may also require employees to support a request by providing a certification that contains a description of the facts qualifying the exigency leave, the approximate dates the leave will begin and end, and if the leave involves a third party then appropriate contact information for the third party and description of the meeting.

Section 16. RECOGNITION LEAVE (Res. 2324-03/23)

Recognition leave is used as recognition to reinforce the organization's culture, support its objectives, and retain top performers. Recognition leave is paid time off work that may be awarded to an employee to recognize noteworthy achievement and work effort that have significantly contributed to the unit's mission, goals and/or objectives.

1. Recognition leave Request.

The Director must submit a designated form to the Town Manager that explains:

- a. A description of the achievement or work effort performed and how it contributed to the missions, goals and/or objectives.
- b. The number of days of Recognition leave that are recommended.

If approved, one copy of the request and the approval must be sent to the Payroll Department and one copy retained with the employee's personnel file.

Recognition leave will be added to the employees leave bank coded as Activity Code, "Recogn. Leave".

2. Recognition leave Use.

Recognition leave should be used soon after it is awarded, and it must be used before vacation leave.

Recognition leave must be used by December 31st of each year, or it will be lost and deducted from the record unless an extension is pre-authorized by the Town Manager.

Unused Recognition leave may not be paid and does not transfer to a new organization unit.

RULE 11. DISCIPLINE SYSTEM (Res. 2301)

Section 1. DISCIPLINE SYSTEM

Effective discipline is a positive process when its purpose is to train or develop by instruction. Whenever appropriate, training is encouraged as a means of improving employee productivity and effectiveness through positive and constructive methods. However, improper employee conduct shall be considered good cause for disciplinary action.

Each supervisor shall have the responsibility and authority, with the approval of the Department Head, to administer appropriate discipline to his or her subordinates using a positive progressive discipline process as a corrective measure.

The employment of any individual by the Town depends upon acceptable conduct and satisfactory work performance. Failure to meet these standards of conduct and work performance is sufficient grounds for disciplinary action up to and including termination of employment.

Nothing in this policy changes the status of probationary, temporary seasonal or unclassified employees, who are not eligible for the disciplinary system.

A. Performance Improvement

The Town recognizes that performance issues can often be resolved before they become disciplinary issues if they are addressed early. Supervisors are encouraged to discuss performance issues with their employees as they occur. These issues may include attendance and tardiness, appearance, safety, and other forms of employee conduct.

The supervisor should follow the following steps to make the employee aware of the performance problem and to initiate corrective action.

1. Document the performance issue and correct procedure in a brief memo addressed to the employee.
2. Meet with the employee to review the memo and the situation. Explain the concerns clearly to ensure that the employee understands the performance problem and the correct behavior.
3. Listen to the employee's explanation of the situation and determine whether there are mitigating circumstances.
4. Develop an action plan that outlines how the employee will change his or her behavior, and how the supervisor will observe that the change has taken place. Establish a time frame in which the changes should take place.
5. Briefly document the conversation and the action plan and maintain in the department files.

This process is not required before disciplinary action is initiated. There are employee issues that should immediately be dealt with as disciplinary issues. The intent of this process is to simply provide a means of correcting problems before they become major.

B. Grounds for Disciplinary Action

The following list includes those actions that are a basis for disciplinary action. This list is not intended to be all-inclusive but is illustrative of the types of actions that lead to disciplinary action.

1. The employee's performance does not meet expectations.
2. The employee has been abusive in his or her language, or has threatened or caused physical harm to others.
3. The employee has violated an official regulation or order, has failed to obey any reasonable directions given him/her by the supervisor or other responsible Town Official, or has violated any provision of this Personnel Rules.

4. The employee has been found under the influence of alcohol or drugs while on duty. The employee has violated the alcohol and substance abuse education, awareness, treatment and prevention program.
5. The employee has been convicted of a felony or has engaged in any activity which would violate State or Federal criminal statutes.
6. The employee has provided false or misleading information in any document, report, or statement related to his or her employment with the Town. This includes but is not limited to the employment application and related materials, complaints and grievances.
7. The employee has caused damage to Town property or waste of Town supplies, through negligence or willful misconduct.
8. The employee is unsafe to himself or herself, to other employees or to the public in the performance of his or her duties and responsibilities.
9. The employee has been inexcusably absent, has failed to receive prior approval for any absence or has abandoned his or her position.
10. The employee has taken any action that discriminates against another person on the basis of race, color, sex, religion, national origin, age, disability, or any other legally protected status.
11. The employee has engaged in improper political activities.
12. The employee has engaged in conduct, either during or outside of regular hours that causes discredit to the Town.
13. The employee has taken any action or actions that prevent him or her from doing his or her assigned duties.
14. The employee has violated any state or federal laws prohibiting discrimination in the work place, including creating a hostile or harassing environment due to a person's race, color, sex, religion, national origin, age, disability, or any other status legally protected by state or federal law.

C. Disciplinary Meeting

Prior to taking any disciplinary action, the Department Head shall meet with the employee. This meeting shall be an opportunity for the Department Head to present and discuss with the employee the charges subject to disciplinary action. The following guidelines shall apply to this meeting.

1. The employee shall be provided written notice of the disciplinary charges, as well as the date and time of the meeting, at least 24 hours in advance. The employee may submit a written response to the disciplinary charges in lieu of attending the meeting. If the employee chooses to submit a written response in lieu of attending the meeting, the employee shall submit the written response to the Department Head at or before the time set for the meeting.
2. During the meeting, the Department Head shall describe the disciplinary charges and any other issues that have bearing on the situation.
3. The employee shall be given the opportunity to respond to the disciplinary charges and to provide any additional information the employee believes to be relevant to the charges.
4. The Department Head shall prepare a written record of the meeting, summarizing the charges and responses of the employee.
5. The employee may have a representative attend the meeting with him/her as an observer. In the Police Department, the representative shall be a member of the Department and shall not be an attorney, in accordance with A.R.S. §38-1101. In all cases, the representative shall not be allowed to participate in the meeting.

The Department Head may impose discipline at any time after the conclusion of the meeting by providing the employee a written Notice of Discipline outlining the charges and the basis for the discipline. The Notice of Discipline shall also explain to the employee his/her right to appeal as applicable.

D. Types of Discipline

The material below describes types of discipline that may be taken to correct and discipline employees. All of these actions must be preceded by the informal disciplinary hearing outlined above. The intent of this material is to describe typical disciplinary actions but is not intended to limit the range of possible disciplinary actions.

1. **Written Reprimand.** Where the offense is minor in the view of the Department Head or for a first offense, a written reprimand may be appropriate. The reprimand will be written to and discussed with the employee. The reprimand will briefly describe the offense and the corrective action. The employee will be asked to sign the reprimand to acknowledge its receipt. A copy of the reprimand will be placed in the employee's official personnel file.
2. **Training/Retraining.** Where the offense is a result of misunderstanding, the best corrective action may be training or retraining. The offense and the corrective action will be documented in a memo from the Department Head to the employee. The employee will be asked to sign the memo to acknowledge its receipt. A copy of the memo will be placed in the employee's official personnel file.
3. **Demotion.** The Department Head may demote an employee whose performance does not meet expectations, or for disciplinary purposes. Written notice of the demotion and the reasons for the demotion shall be given the employee within three (3) days after the effective date of the demotion. The employee shall be asked to sign this notice and it shall be filed in the employee's official personnel file.
4. **Suspension without Pay.** The Department Head may suspend an employee without pay from his or her position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days. The offense and the rationale for the suspension without pay shall be documented in a memo discussed with the employee. The employee should be asked to sign and acknowledge receipt of the memo. A copy of the memo shall be placed in the employee's official personnel file.
5. **Termination of Employment.** An employee may be discharged for cause at any time by the Department Head. Reasons for the discharge shall be recorded in a memo delivered to the employee and placed in the employee's official personnel file.

A Department Head shall not implement a demotion, suspension without pay or termination of an employee without review and approval of the intended action by the Human Resources Director. The Human Resources Director shall consult with the Town's attorney and shall advise the Town Manager of the intended action before approving any such action.

E. Appeals from Termination, Demotion and Suspension without Pay

This policy provides the rights and procedures for employees to appeal decisions of the Department Head to terminate their employment, demote them to a lower level position, or to suspend them without pay.

A full-time classified employee who has completed his/her probationary period may appeal an action resulting in termination, demotion or unpaid suspension. An employee who fails to complete the initial introductory period has no right of appeal. An at-will employee does not have the right to appeal under this policy.

F. Appeal Procedure

Under this procedure, appeals must be filed in writing with the Human Resources Director within five business (5) days of the employee's receipt of the Notice of Discipline from the Department Head. The appeal shall state in detail the facts upon which it is based, the people and departments involved, and the remedy requested. Failure to file a written appeal within the time period prescribed shall constitute a waiver by the employee of further appeal of the disciplinary action.

The Human Resources Director shall notify the Department Head of the appeal. No answer to the appeal is necessary. However, if the Department Head chooses to file an answer, the Human Resources Director shall make a copy available to the employee.

The Town Manager shall appoint a Hearing Officer to hear the appeal. The discretion and standard of review for the Hearing Officer shall be as follows: (1) Determine whether the Town acted in an arbitrary or capricious manner in concluding whether it possessed cause to discipline the employee and (2) determine whether the discipline administered was so severe as to be shocking to the Hearing Officer's sense of fairness. The Hearing Officer is hereby empowered to grant or refuse extensions of time, to set procedures for the hearing, to preside over the hearing, to take testimony and receive exhibits, and to rule on motions or objections at the hearing.

After conducting the hearing, the Hearing Officer shall prepare and submit to the Town Manager and Human Resources Director a report of the testimony and exhibits received at the hearing, the Hearing Officer's findings based on the testimony and exhibits, and the Hearing Officer's recommendation(s) relative to the disciplinary action taken by the Department Head. The Hearing Officer shall deliver to the Town Manager all records of the hearing including any and all recordings and transcripts, if any, of the hearing.

The Human Resources Director shall distribute copies of the Hearing Officer's report to the employee and the Department Head. If either the employee or Department Head disagrees with the Hearing Officer's report and/or recommendation(s), the party may submit to the Town Manager, within five (5) business days after receipt of the Hearing Officer's report, a written statement addressing the points which the party disagrees with the Hearing Officer in the report. The Town Manager may adopt the Hearing Officer's report and recommendation in its entirety, may modify it, or may decide the case on the record with or without taking additional evidence. The Town Manager shall render his/her decision within twenty (20) business days of receipt of the Hearing Officer's report. The Town Manager's decision shall be final.

G. Continuance of Hearing

The hearing may be continued at the request of either the employee or the Department Head. Requests to continue the hearing must be submitted to the Human Resources Director in writing at least five (5) days before the hearing date. The Human Resources Director shall notify all concerned parties of the continuance.

Failure of the appellant to comply with these guidelines and failure to appear at the time and place of the hearing may result in dismissal of the appeal.

H. Nature of the Hearing

The employee may represent himself or herself or be represented by legal counsel or anyone else of his or her own choosing. The Department Head may also represent him or herself or be represented by the Town Attorney's office or by other legal counsel approved by the Town Attorney.

The hearing shall be informal, and technical rules of evidence and court procedure shall not apply, except that irrelevant, immaterial, or unduly repetitious material may be excluded by the Hearing Officer. Evidence protected by the rules of privilege recognized by law may also be excluded. The Hearing Officer shall make a determination whether the action taken by the department was arbitrary or capricious.

I. Witnesses

The Hearing Officer may issue subpoenas to compel attendance of any person and the production of any books, papers or other materials related to the investigation or the hearing.

The Hearing Officer may exclude from the room any witness not at the time under examination.

J. Withdrawal of an Appeal

The employee may submit a written request to withdraw an appeal any time. The request shall be submitted to the Human Resources Director.

K. Decision by the Town Manager

If the Town Manager determines that the action appealed from was arbitrary or capricious, the order shall be revoked or modified. Otherwise, the disciplinary action shall be affirmed.

The Town Manager shall have the power to direct appropriate remedial action, and shall do so, after considering just and equitable relief to the employee and the best interests of the Town and the public.

The findings and decisions of the Town Manager shall be final.

Section 2. GRIEVANCE PROCEDURES

The purposes of this grievance procedure are:

1. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided.
2. To afford an employee a systematic means of obtaining further consideration of problems.
3. To ensure that efforts are made to settle grievances as near as possible to their origin.
4. To provide that grievances shall be handled as informally as possible.

A. Matters Subject to Grievance Procedure

Any classified employee shall have the right to appeal any decision affecting his or her employment, with the exception of disciplinary terminations, demotions and unpaid suspensions, which may be appealed as provided in the Disciplinary System procedures.

B. Informal Grievance Procedure

Any employee who has a problem or complaint should first try to settle it through discussion with his or her immediate supervisor. This step should be taken without undue delay. If, after this discussion, he or she does not believe the problem has been satisfactorily resolved, he or she shall have the right to discuss it with his or her supervisor's Department Head. Every effort should be made to find an acceptable solution by informal means.

C. Formal Grievance Procedure

Issues that cannot be resolved through the informal grievance procedure may be taken to the formal procedure. The levels of review in the formal grievance procedure follow the chain of command and are listed below:

1. **First Level of Review.** The grievance shall be presented in writing to the employee's immediate supervisor. The immediate supervisor shall review the grievance and shall render his or her decision and rationale in writing to the employee. The immediate supervisor shall deliver this material to the employee within fifteen (15) business days of receiving the grievance.

If the employee does not agree with his or her supervisor's decision, or if no answer has been received within fifteen (15) business days, the employee may present the grievance in writing to his or her Department Head. Failure of the employee to take further action within ten (10) business days after receipt of this decision or the lapse of fifteen (15) business days will close the grievance.

2. **Next Level of Review.** The next level of review shall be to the Department Head. Once the grievance is received, the Department Head shall review the material and conduct the appropriate investigation. He or she shall render his or her decision in writing, and shall return them to the employee within fifteen (15) business days of receiving the grievance.

If the employee does not agree with the decision, or if no answer has been received within fifteen (15) business days, he or she may present the grievance in writing to the Town Manager or his/her designee. Failure of the employee to take further action within ten (10) business days after the receipt of this decision or the lapse of fifteen (15) business days will close the grievance.

3. **Town Manager.** The Town Manager may designate an investigator to collect information, conduct the investigation and make recommendations. The investigator may be anyone the Town Manager chooses, except the supervisor or Department Head to whom the grievance was previously submitted. The Town Manager may also choose to handle the grievance directly.

Once he or she has been appointed, the investigator shall have thirty (30) days to complete the investigation. The investigator shall present his or her findings and recommendations to the Town Manager as soon as possible following this thirty (30) day period.

The Town Manager may approve or deny the recommendations of the investigator, closing the grievance. The Town Manager may also modify the recommendations or direct other actions to investigate the grievance. The decision of the Town Manager is final and may not be appealed.

D. Conduct of Grievance Procedure

The time limits specified above may be extended by mutual agreement of the employee and management. The employee may be allowed to use a reasonable amount of work time to prepare for the grievance. Reasonable shall be defined by the Department Head and shall not unduly disrupt the normal operations of the department.

Once a grievance has been dropped, either through direct action or by inaction, the grievance cannot be reinstated. Once the grievance process has been concluded and a decision has been made by the Town Manager, the grievance cannot be reopened.

Employees shall be free from retaliation for using the grievance procedures.

RULE 12. COMPENSATION AND BENEFITS (Res. 2324-3/23)

Section 1. COMPENSATION PLAN

The Town Manager will direct the preparation, development and maintenance of a market competitive and internally equitable Compensation Plan covering all job classifications. In arriving at salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in public and private sectors, current costs of living, suggestions of Department Directors, the town's financial condition and policies, and any other factors the Town Manager deems relevant.

The Compensation plan shall be approved and may be amended and revised from time-to-time by the Town Manager and ratified by the Town Council through the annual budgetary process. No employee's compensation shall be set outside the range for that job classification in the most current Compensation Plan.

New employees will normally be paid the minimum of the compensation range to start. Where a new employee's training, skills and experience warrant, the Town Manager may authorize new employment or re-employment at other than the minimum of the range. Compensation is an administrative decision and is not subject to appeal.

Section 2. MERIT COMPENSATION INCREASES

No employee's actual compensation shall be raised above the compensation range maximum established in the Compensation/Salary Range Structure for his or her job classification. Merit compensation increases shall not be automatic; they shall be based on the increased contribution of an employee as evaluated by his or her supervisor, length of service, performance record, special training, and other relevant factors as determined by the Town Manager and Human Resources Director.

When approved, the effective date of merit compensation increases shall be the first day of the bi-weekly pay period following the increase date. When the increase date falls on the first day of a pay period, the advancement shall be effective on that date.

Advancements within the Compensation/Salary Range Structure for all classified and unclassified personnel shall be in amounts and at such intervals as determined by the Compensation Plan. The Town Manager will be required to approve advancements in these areas. Salaries and advancements for the positions of Town Manager and Presiding Town Magistrate shall be in amounts and at intervals as determined by the Town Council.

Section 3. OVERTIME

It is the Town's policy to avoid the necessity of overtime whenever possible, but overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements of a critical nature. Department Heads are responsible for the planning required to minimize the need for overtime. If, in the judgment of a Department Head, work beyond the normal workday or workweek is required, the Department Head may authorize such work. This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period, excluding exempt positions.

1. NONEXEMPT EMPLOYEES.

- a. Whenever any nonexempt employee is required to work overtime in excess of 40 hours per week, that person shall be compensated for such excess time at the rate of either:
 - i. Pay for Service – One and one-half (1 ½) times the regular rate of pay at which such person is employed; or
 - ii. Compensatory Time Off – One and one-half (1 ½) hours of compensatory time off for each hour worked in lieu of cash payment. See Compensatory Time.

- b. The determination of whether an employee receives Pay for Service or Compensatory Time Off for overtime worked will depend on the current budget capacity. In all cases, the Department Head's decision is final. Department Heads may adjust the weekly work schedule to avoid overtime at the end of the workweek.
 - c. "Hours worked" for purposes of calculation of overtime pay shall be defined as time on the job performing a responsible work assignment.
 - d. Time shall begin once the employee is at the workstation or at the call origination for emergencies.
 - e. Employees who participate in required training are paid only for actual time in training sessions and, if the training is off-site, for travel time to and from the training. Overtime will be compensated for travel time only if travel time is compensable under the FLSA. Employees who are on out-of-town business for the Town will be compensated only for actual hours worked during the trip.
 - f. Vacation, sick, and other leave shall not be considered time worked and shall be deducted from "hours worked" during overtime calculation for each workweek.
 - g. The Department Head must specifically authorize the rendering of overtime services. Employees shall obtain such authorization prior to working any overtime, if possible.
 - h. In cases where an employee begins work one day and continues through the next day, all consecutive hours worked will be recorded on the date the employee started work.
2. **Exempt Employees.** The overtime provisions of this rule shall not apply to employees in a FLSA exempt with the Town. Town Manager shall designate the exempt positions in Town employment.
3. **Overtime Requirement.** All overtime shall be paid within the pay period in which it was accumulated except for certified Fire Department personnel and certified Police Department personnel who have entered into an agreement with the town. The town has claimed a FLSA 207(k) exemption to designate this work period.
- a. Non-exempt certified Fire Department personnel have an established work period of twenty-eight (28) days. All hours worked over two hundred twelve (212) in a twenty-eight (28) day work period will be compensated at one (1) and one-half (1/2) times their base hourly rate according to FLSA guidelines.
 - b. Non-exempt certified Police Department personnel have an established period of forty (40) hours per week unless otherwise agreed to by the Town and the certified Police Department Officer(s) pursuant to A.R.S. § 23-392. Any such agreement shall have an established work period of fourteen (14) days and all hours worked over eighty (80) hours in a fourteen (14) day work period will be compensated at one (1) and one-half (1/2) times their base hourly rate according to FLSA guidelines. Otherwise, all hours worked by certified Police Department Officers over forty (40) hours per week shall be overtime work. (Res. 2114)

Section 4. COMPENSATORY TIME

1. **Overview.** Regular full-time non-exempt employees may elect to accrue compensatory time in lieu of receiving cash payment for overtime worked. Compensatory time will be earned at the rate of (1 ½) one and one-half hours for each hour of overtime worked. Employees may accrue a maximum of eighty (80) hours of compensatory time at any one time. All overtime hours worked in excess of the maximum limit shall be paid in accordance with Section 3 of this rule.
2. **Department participation.** Employees may not elect to receive compensatory time in lieu of paid overtime unless their department has created a compensatory time program. Any such program must define program criteria and must assure accurate and timely reporting of compensatory time accrual and use. Compensatory time programs cannot apply to regularly scheduled overtime.
3. **Use.** The Town will make every effort to approve requests to use compensatory time. If the granting of compensatory time will unduly disrupt the town's operations, the request may be denied. The town may, at any time, pay or require an employee to take off accrued but unused compensatory time.
4. **Separation from Employment.** Upon separation from employment, all accrued but unused compensatory time will be paid to the employee at the employee's then current base rate of pay.

5. **Job Role/FLSA Status Changes.** Upon a change in an employee's position resulting in a pay adjustment and/or a change in FLSA status from nonexempt to exempt, all accrued but unused compensatory time will be paid at the employee's base rate of pay immediately prior to the change.
6. **Approval of Comp Time Off.** Use of Compensatory time must be requested and approved in advance. The granting of such leave is subject to operational demands.
7. **Election.** An employee electing to receive compensatory time off in lieu of receiving cash payment for overtime must submit the time request through timekeeping and will be reviewed/approved by the employee's chain of command.

Section 5: SPECIALITY PAY

1. **Generally.** The town provides additional compensation to eligible employees for specified purposes. All such payments are referred to as specialty pay. All specialty pays, except as otherwise noted herein, is included in the regular rate of pay for non-exempt employees for purposes of overtime calculation.
2. **Pay Request.**
 - a. Department directors who have a business need for any work to which a specialty pay applies must submit a written request to the Human Resources Department describing the business need for such duty assignment, the number of positions necessary to fill the need, and the identity of employees intended to fill the special duty assignment/s. The Human Resources Department will arrange or administer the appropriate competency testing when required.
 - b. Payment of specialty pays should commence beginning the first complete pay period after eligibility/approval is received by payroll.

Section 6: On-Call (STANDBY) AND CALL-BACK STATUS

Nonexempt employees may be required to be available and/or to work outside the regular schedule. The two types of status and pay related to those circumstances are on-call (standby) and call-back.

Exempt employees are paid a salary that reflects the full responsibility of the position, including being on-call or being called back to work, and are not eligible to receive on-call or call-back pay.

On-call (standby) and call-back status is permitted to only approved departments and positions as deemed necessary by the Town Manager.

1. **On-Call (standby) Status**
 - a. On-call (standby) status is a designated shift within any twenty-four (24) consecutive hours. Such shifts may vary in beginning and ending times from department to department and are subject to change by administrative decision as dictated by workload needs. On-call shift hours usually coincide with regular shift hours. Any employee may be assigned to an on-call status, which requires the employee to be accessible, available, and able to report for duty if called.
 - b. Department heads are responsible for determining the need for on-call availability and for assigning employees to on-call status. The supervisor of the employee assigned to on-call status shall maintain a roster of all qualified employees who may be required to be on-call. An equitable rotation policy shall be followed in requiring employees to be on-call. Employees will be given at least 2 weeks' notice to the assigned on-call duty unless agreed upon by the assigned employee or under circumstances where the town's operations demands necessitate shorter notice.
 - c. Employees must be available to respond twenty-four (24) hours per day and serve as the primary after-hours contact to dispatch. Employees are provided an on-call phone. If phoned, the initial call must be answered, if not answered the call must be returned immediately, but no later than five (5) minutes. If a physical response is required, the employee must respond to the designated site within thirty (30) minutes of original notification. If an employee is unable to fulfill the duty of on-call, they must notify their supervisor immediately.

- d. To transfer on-call duty to another employee, the employee must receive written approval from a supervisor.

2. On-Call (standby) Pay

- a. On-call pay may be provided at \$1.75 per hour of non-hours worked or scheduled. The employing department will choose a single level of on-call pay that will be provided to all non-exempt employees in on-call status.
- b. On-call pay is paid as a base hourly rate and is not subject to overtime requirements.

3. Call-Back Status

- a. When an employee is called back to work at any time not previously scheduled, the employee is in call-back status.
- b. De minimus time worked, less than fifteen (15) minutes, and that which does not require physically responding will be considered already compensated under the responsibilities of on-call.

4. Call-Back Pay

A nonexempt employee who is called back to work from on-call status or otherwise at a time not previously scheduled shall receive call-back pay as follows:

- a. A minimum of two (2) hours pay at base hourly rate. If actual hours worked meets the town's overtime requirement policy, then the employee is paid per the overtime requirement at one and one-half (1 1/2) times their base hourly rate. Employees who are called back will receive a minimum of two (2) hours pay even if actual time worked on call-back is less than two (2) hours. After the first two (2) hours of time worked, credit may be given or allowed in increments of fifteen (15) minutes or to the closest quarter hour.
- b. Actual hours worked for call-back purposes means only that time spent at the worksite. Time spent en route to or from the worksite is not included as time worked.
- c. Compensatory time off may be used in lieu of pay for call-back time worked in accordance with compensatory time policies.

Section 7: TELECOMMUTE / REMOTE WORK

1. **Objective.** Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. The Town of Wickenburg considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs, but not for others. Telecommuting is not an entitlement, it is not a town wide benefit, and it in no way changes the terms and conditions of employment with the Town of Wickenburg.
2. **Procedures.**
 - a. Telecommuting can be informal, such as working from home for a short-term project, family or health needs or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.
 - b. Employees shall not be permitted to telecommute for their full workweek on a consistent basis but instead be limited to up to two (2) days outside of the office. An employee may request to telecommute for their entire workweek for pressing/urgent or circumstantial events with the prior approval of their director.
 - c. Any telecommuting arrangement made will be on a trial basis for up to the first three (3) months and may be discontinued at will and at any time at the request of either the telecommuter or the organization. Every effort will be made to provide (30) thirty-days' notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

3. Eligibility.

- a. Individuals requesting formal telecommuting arrangements must be employed with the Town of Wickenburg for a minimum of twelve (12) months of continuous, regular employment and must have a satisfactory performance record.
- b. Before entering into any telecommuting agreement, the employee, and their director, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:
 - i. Employee suitability. The employee and their department director will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
 - ii. Job responsibilities. The employee and their department director will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
 - iii. Equipment needs, workspace design considerations, and scheduling issues. The employee and department director will review the physical workspace needs and the appropriate location for the telework. employee and department director will review the physical workspace needs and the appropriate location for the telework.
- c. Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
- d. If the employee and their department director agree, and the human resource department concurs, a telecommuting agreement will be prepared and signed by all parties, and up to a three (3)-month trial period will commence.
- e. Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and their department director or designee, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and department director or designee will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.
 - i. An evaluation of telecommute performance in and of itself will not be used towards an employee's bi-annual / annual job performance evaluation but instead may be used as supporting documentation for recommendations, concerns, or praise.
- f. An appropriate level of communication between the telecommuter and their supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the telecommuter and their supervisor will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

4. Equipment.

- a. On a case-by-case basis, the Town of Wickenburg will determine, with information supplied by the employee and their supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The human resource and information technology departments will serve as resources in this matter.
- b. Equipment supplied by the organization will be maintained by the organization and be used for business purposes only.
- c. Equipment supplied by the employee, if deemed appropriate by the town, will be maintained by the employee. The Town of Wickenburg accepts no responsibility for damage or repairs to employee-owned equipment, and at no time shall the Town of Wickenburg supplement or reimburse the cost of data or internet to the employee.

- d. The Town of Wickenburg reserves the right to make determinations as to appropriate equipment, subject to change at any time. The telecommuter must sign an inventory of all Town of Wickenburg property received and agree to take appropriate action to protect the items from damage or theft.
- e. The Town of Wickenburg will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The Town of Wickenburg will also reimburse the employee for business-related expenses, such as phone calls and shipping costs that are reasonably incurred in carrying out the employee's job. All reimbursable expenses must have prior authorization.
- f. The employee will establish an appropriate work environment within his or her home for work purposes. The Town of Wickenburg will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.
- g. Upon termination of employment, all company property will be returned to the town, unless other arrangements have been made.

5. Security.

- a. Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. All employees shall be expected to adhere to all town information technology procedures and policies including equipment and devices.

6. Safety.

- a. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.
- b. Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

7. Availability & Appearance.

- a. The Town of Wickenburg dress code policy shall be in effect for telecommuting employees who are viewable to internal and/or external customers or deemed required by the employee's supervisor, with the human resources department concurring. Outside of these circumstances, a telecommuting employee will not be restricted to the town dress code.
- b. Telecommuting employees shall assure that they are available to be contacted during their normal working hours by phone, text, email and/or video. If there is an expectation or need for an employee to physically respond to the office, then it will be made known upon signing of the telecommute agreement and with at least seventy-two (72) hours' notice prior to the expected day for response.
- c. All employees shall be required to have cameras turned on during remote meetings with an approved virtual background activated. The following backgrounds shall be approved backgrounds:
 - i. "Blurred" background
 - ii. Town of Wickenburg logo
 - iii. Department specific logo

8. Time Worked.

- a. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked accurately using the Town of Wickenburg's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.
- b. Telecommuting employees shall not have a physical restriction placed on them to measure productivity. A matrix utilized by their supervisor shall be completed monthly, totaling a minimum of three (3) times during the employee's trial period, to be included in the telecommuting job performance review.
 - i. Following the conclusion of the trial period, the employee's supervisor shall complete a matrix bi-annually to assure productivity.

9. Ad Hoc Arrangements.

- a. Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
- b. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.
- c. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.
- d. Ad hoc arrangements are not to be confused with an authorized consistent telecommute work schedule.

Section 8. TEMPORARY ASSIGNMENT OF PERSONNEL

An employee assigned to perform all of the duties and assume all of the responsibilities of a higher classification, for a period of not less than four consecutive full work weeks, shall be designated as having a temporary position.

An employee who is in a temporary assignment will receive a pay increase of 5% or the minimum of the salary range for the higher position, whichever is greater, but not to exceed the maximum of the salary range.

In the case of a Department Head temporarily assuming the duties of another Department Head, the employee will receive a pay increase of 5%, but not to exceed the maximum of the salary range.

Any assignment shall be approved by the Town Manager and include the period of time retroactive to the first day in the new pay period for the position.

Upon completion of the temporary assignment, the employee will be returned to his/her former classification at the range and salary that would have been paid had the temporary assignment not occurred.

Section 9. UNIFORM ALLOWANCE

Clothing allowances and uniform privileges shall be set in the annual budget and administered by administrative regulations within each department. Clothing allowances are subject to discontinuation at any time as required by budgetary constraints.

Section 10. SEPARATION OF SERVICES

1. **Exit Clearance.** Included in the final clearance is a verification that all town equipment, materials and supplies, such as keys, identification card, town credit cards and uniforms have been returned.
2. **Final Paycheck.** The Payroll Department shall be notified of the employee's separation date through the Personnel Action Form. Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by town policy and laws governing such payments.

- a. Terminated employees must be issued their final paycheck within three (3) working days of the termination. It is the responsibility of the Department Director to forward to the Human Resources Director all completed paperwork to meet this federal requirement.
- b. All other employees who leave the employment of the town will be paid at the next regular pay period. Costs of unreturned town property will be deducted from the final paycheck.
- c. Before the final paycheck is issued to the employee, it is the responsibility of the Department Director to ensure that the employee has completed final clearance.

Section 11. ADMINISTRATIVE SALARY ADJUSTMENTS

The Town Manager shall have the authority to provide an administrative adjustment to an employee's salary or rate of pay when such adjustment is determined by the Town Manager to be in the best interest of the town and the adjustment does not result in the employee's salary or rate of pay being outside the range approved for the employee's position or exceed adopted budget capacity.

Section 12. BRING YOUR OWN DEVICE ("BYOD")

Certain employees including approved Key Employees, may receive a reimbursement for their personal mobile device provided they decide not to take a town mobile device and sign the Bring Your Own Device (BYOD) agreement.

The reimbursement will be at 50% the rate of the town option. Approval by the Town Manager will be required to receive this reimbursement, which is a taxable benefit.

Section 13. TAKE-HOME VEHICLE

Certain Key Personnel Employees may receive the benefit of a take-home vehicle with the approval of the Town Manager and it is a taxable benefit.

RULE 13. INSURANCE

Section 1. GROUP INSURANCE PROGRAM

Full-time permanent ☐ employees are covered under the Town's Group Insurance Program, commencing ☉ the first day of the month following thirty (30) days from the date of employment, which provides certain health, accident and life insurance coverage according to the plan in effect. Complete plan details are contained in the Certificate of Insurance on file in the Town Clerk's office. Employees may elect certain dependent coverage under this program at their own expense. ⚡ An employee shall not be eligible for coverage under the Town's Group Insurance Program until the first day of the month following thirty (30) days after the commencement of full-time employment with the Town and insofar as the provision is not inconsistent with the requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

Employees, upon retirement shall cease to be covered under the Town's group insurance program along with their dependents, except for such rights and benefits said employees may be entitled to under Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly referred to as "COBRA," and further, provided employees of the Town who have ten (10) or more years of service with the Town as of July 1, 2002 who retire with 25 years of service with the Town shall be entitled to continuation of employee coverage only, however, that the Town shall contribute no more than one hundred dollars (\$100) per month for such coverage. A written request for this benefit must be made prior to retirement from the Town and retiring employees must have continuous coverage with insurance starting on the first of the month after retirement. Coverage will cease upon written request by the retired employee, cancellation of insurance or death of retired employee. Once this benefit has been lost, due to not being enrolled in an insurance plan, this benefit cannot be restarted at a later date. ♣ (Res 1731 & 1749)

Section 2. WORKER'S COMPENSATION INSURANCE

All Town employees are covered by Worker's Compensation Insurance at no cost to the employee. The coverage provides medical and hospitalization expense benefits, as well as partial payments in lieu of salary for workers injured on the job. Upon approval by the Human Resources Director, the employee shall be paid the difference between his/her normal base salary and Workers' Compensation payments. The employee's accrued sick leave hours shall be reduced by a ratio equaling the supplemental payments made by the Town. Payments shall begin concurrently with those of the Workers' Compensation payments. Employees shall not accrue sick or vacation time while on leave and collecting Worker's Compensation. ♣

Employees shall not be required to use their sick time to attend Worker's Compensation doctor visits and doctor prescribed medical treatments that cannot be scheduled around the regular work schedule. Such scheduling must receive prior approval from the Supervisor and/or Department Head. Abuse of this benefit will be considered theft and shall result in disciplinary action being taken against the employee. ✎

Section 3. EMERGENCY AMBULANCE SERVICE: Deleted ☐

Section 4. ACCIDENTAL DEATH/DISEMBLEMENT COVERAGE DURING COMMUTE TO/FROM THE WORKPLACE

All permanent full-time Town employees are covered under the Town's accidental death and dismemberment insurance policy, which provides coverage for accidental death, or dismemberment incidents, which occur during said employees, commute to or from his or her workplace. Details of said coverage are included in the Town's Certificate of Insurance on file in the Town Clerk's Office.

☐ Res.1434/8-03
✎ Res. 1448/3/1/04
☉ Res. 1471/2-05
☐ Res. 1549/6-07
♣ Res. 1568/3-3-08
⚡ Res. 1648/3-11
Res. 1731 / 01-14
Res 1749 / 06-14

RULE 14. TRAVEL (Res. 2193)

Employees, public officers, members of any Boards, Commissions, Committees or private citizens, when traveling on authorized Town business as a delegated representative of the Town of Wickenburg, are eligible to receive reimbursement of travel expenses, according to the following schedule:

Section 1. REIMBURSEMENT FOR USE OF PRIVATE VEHICLES OUTSIDE WICKENBURG AREA
(Res. 2193)

Employees traveling on approved Town business are encouraged to utilize a Town of Wickenburg fleet vehicle. Use of personal vehicles is allowed only with the prior approval of the applicable Department Director. When one or more persons travel to the same meeting or event, every attempt shall be made to travel in one vehicle and therefore, reimburse one mileage allowance.

If a Town car is not available and prior approval has been obtained from the applicable Department Director, the Town will reimburse the use of the employee's personal vehicle at the current federal mileage rate per mile. Reimbursement equal to that allowable under the Internal Revenue Service Regulations may vary from year to year (contact the Finance Department for the current-year rates.)

If a Town car is available and the employee makes the personal choice to use his/her personal vehicle, the mileage rate will be 40% of the federal mileage rate per mile. The choice to use one's personal vehicle must be approved by the applicable Department Director. The employee must submit a Google map with the destination address en route from the Town of Wickenburg Town Hall, attached to the travel authorization and expense form.

When a personal vehicle is used for out-of-state travel in lieu of traveling by air (personal trips are not mileage-reimbursable), the most direct route from the Town of Wickenburg will be used for vehicle mileage. The employee must submit a Google map with the destination address en route from Town of Wickenburg Town Hall, attached to the travel authorization and expense form. However, the total reimbursable cost for transportation shall not exceed the cost of discounted airfare.

Note: All employees are required to carry property levels of insurance to be authorized to drive a privately-owned vehicle on Town business. It is a personal choice of the employee to travel by vehicle in lieu of air travel and/or use a Town vehicle; therefore, any travel problems created by this choice are the responsibility of the employee. The Town mileage reimbursement in this situation covers insurance costs and if an accident does occur on Town business in the employee's personal car, the employee's insurance will be fully responsible.

Section 2. REIMBURSEMENT FOR USE OF COMMERCIAL CARRIERS

Actual out-of-pocket expenses shall be reimbursed when a commercial carrier is used. Prior authorization for the use of the commercial carrier shall be obtained from the Town Manager or reimbursement shall not be made. Air travel shall be at tourist class when available.

Section 3. PER DIEM ALLOWANCE (Res. 2193)

The purpose of this policy is to provide a clear and consistent guideline for the approval and payment of per diem meal allowance, for employees that are on business away from his or her designated post of duty.

The post of duty is defined as the place where the employee spends the largest portion of his or her regular work day or working time, or the work place to which he or she returns upon completion of special assignments.

Meal allowances are only authorized for business travel greater than 50 miles from the Town of Wickenburg. The Town's per diem is set at \$59 regardless of location and the reimbursement of meals and incidental expenses shall not exceed the daily amount. The daily meal allowance amounts are inclusive of tips and will be reviewed periodically for adjustments up or down.

The daily per diem rate is allocated to the three meals using the following breakdown:

	<u>Full Days</u>	<u>Travel Days</u>
Breakfast	\$14.00	\$10.50
Lunch	\$15.00	\$11.25
Dinner	\$30.00	\$22.50

When a traveler is eligible for a full day’s allowance, the amount expended for any particular meal will be left to his or her discretion. Meals included in conference or seminar registration fees, or meals provided at no additional cost, are not eligible for meal allowance and will be deducted from the total daily meal allowance. If circumstances, such as dietary needs, make it necessary to forego the provided meal, then the traveler may claim up to the maximum meal allowance. In such cases, a receipt and a written explanation is necessary. To be reimbursed for any meal, the employee must provide receipts and show where and when the trip began and ended. Alcoholic beverages are non-reimbursable.

If the job requirements for a particular day take an employee out of the 50-mile area during normal mealtime, he or she may be eligible for per diem meal allowance.

- If an employee is required to leave home before the start of their normal scheduled shift or before 6:00 AM to make a work appointment, meeting or assignment out of the 50-mile area, he or she is eligible for breakfast per diem meal allowance or reimbursement.
- If an employee is required to be out of the 50-mile area for a work appointment, meeting or assignment during the entire normal lunch period (11:00 AM to 2:00 PM) he or she is eligible for lunch per diem meal allowance.
- If an employee is scheduled to arrive at home after 6:00 PM due to a work appointment, meeting or assignment out of the 50-mile area, he or she is eligible for dinner per diem meal allowance.

An employee is eligible for a daily meal allowance while in an overnight or multi-day travel status for official job-related duties. The IRS defines an overnight status as being away from home at a great distance or long enough to require substantial sleep or rest to meet the demands of work. An employee is eligible for up to 75 percent of the daily meal allowance on actual travel days (arrival and departure days), and 100 percent of the daily meal allowance on full days in between.

Any exceptions to the above policy must be approved by the Department Director and Town Manager.

Section 4. PROCEDURE

Claims for mileage allowance and/or per diem must be made at least two weeks before travel. At no time will reimbursement be allowed for any alcoholic beverages. All claims for travel expenses shall be submitted to the Town on the forms provided by the Town. Failure to request the travel, mileage and per diem a week in advance will result in denial of request. ☼

RULE 15. TUITION/EDUCATION REIMBURSEMENT (Res. 2313)

Full-time regular employees may be eligible to receive reimbursement from the Town for certain job-related expenses incurred by the employee. Reimbursements, allowances & stipends may be subject to state, local or federal taxation or withholding requirements. Such determinations will be made by the Financial Services Department.

Section 1. TUITION/EDUCATION REIMBURSEMENT

The Town provides tuition reimbursement up to \$5,000 per employee, per calendar year, pending budget availability. The purpose of the program is to provide opportunities for employees to improve their working knowledge and skills through personal career development related to the employee's career with the Town. In order to be eligible for reimbursement, the following criteria apply:

- A. Eligibility for reimbursement is contingent on the following criteria:
 - 1. Regular full-time employment with the Town who have successfully passed their probationary period when the Application for Reimbursement is submitted and approved by the employee's Department Director and the Human Resources Director. The course/degree program must be either related to the employee's current position or reasonably anticipated to benefit the employee in a Town career path.
 - 2. The employee shall not be eligible to receive reimbursement for any course in which the employee receives a scholarship, grant, Pell grant or subsidy, to the extent of such aid.
 - 3. All courses must apply to a post-secondary degree and must be taken at an accredited college or university.
 - 4. Reimbursements must be submitted within 6 months from receiving a grade. Request for reimbursement for course grades older than 6 months will not be approved.
 - 5. Undergraduate Course results in a grade of "C -" its equivalent, or better.
 - 6. Graduate Course results in a grade of "B-" its equivalent, or better.
- B. An employee may only be reimbursed once for the same or similar class.
- C. Employees who receive reimbursement in a calendar year over certain limits as set by the IRS may be taxed for reimbursement over the limit.
- D. Reimbursement may be made only for the costs of tuition, books, registration and course fees. No reimbursement will be made for computers, supplies, transportation, meals, parking or any other expense connected with any course.
- E. Time spent attending classes or doing course work is NOT Hours Worked and such may not be done during regular work hours. PTO may be used to attend classes, which occur during scheduled work hours, if approved by the supervisor.
- F. The \$5,000 limit per calendar year is determined based on the completion date of the course(s), regardless of when the approval was granted or the request for reimbursement is presented.
- G. Complete the required application and receive approval from the Department Director and Human Resources Director prior to registering for course work/attendance.
- H. An employee who has separated service (voluntary or involuntary) will not be eligible to receive outstanding reimbursements for coursework taken during the period of employment.

Section 2. PROCEDURE FOR TUITION/EDUCATION REIMBURSEMENT

Employees desiring to utilize the Town's Education Reimbursement Program to obtain a post-secondary degree must complete a three-step process.

- A. Step 1. Submit a completed **Education Plan** to your Department Director. If approved, the Department Director will forward the plan to the Human Resources Director for verification that the plan is consistent with this policy.
- B. Step 2. Submit a completed **Application for Education Reimbursement** to your Department Director and receive approval from the Department Director prior to registration for which reimbursement is being sought.
- C. Step 3. Upon completion of an eligible and approved course submit to the Human Resources Department a copy of the course grade report and a receipt issued by the college or university setting forth the course name, cost of tuition, books, and course fees along with a copy of the previously approved **Application for Education Reimbursement**. The employee may be required to request an itemized receipt from the college or university to meet the required elements for reimbursement.

RULE 16. RETIREMENT

The Arizona State Retirement System or the Public Safety Personnel Retirement System covers all full-time permanent employees and other employees who meet the requirements of the retirement system. Details of the employee's obligations and benefits under the State Retirement System are on file with the Human Resources Director's Office.

RULE 17. TRANSFER, PROMOTION & REINSTATEMENT (Res. 2301)

Section 1. TRANSFER

No person shall be transferred to a position for which the person does not possess the minimum qualifications. If the transfer involves a change from one department to another, both department heads must consent thereto, unless the Human Resources Director orders the transfer for purposes of economy of efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.

Section 2. PROMOTION

Insofar as consistent with the best interests of the service, vacancies shall be filled by promotion from within the classified service. If, in the opinion of the Human Resources Director, a vacancy in the position could be filled better by an open recruitment instead of promotion, then the Human Resources Director shall arrange for such recruitment and examination for the preparation of an employment list.

Section 3. REINSTATEMENT

With the approval of the Human Resources Director and the department head concerned, a permanent or probationary employee who has resigned with a good record may be reinstated within two years of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as though he received an original appointment.

RULE 18. SEPARATION FROM THE SERVICE

Section 1. DISCHARGE

The Human Resources Director may discharge an employee in the classified service for cause at any time in accordance with these rules. □

Section 2. LAY-OFF

The Human Resources Director may lay off an employee in the classified service because of material change in duties or organization or shortage of work or funds.

Section 3. RESIGNATION

An employee wishing to leave the classified service in good standing shall file with the Human Resources Director, through the employee's department head, a written resignation stating the effective date and reasons for leaving, at least two (2) weeks (managerial positions preferably 30 days) before leaving the service, unless such time limit is waived by the Human Resources Director. Failure to give notice as required by this rule may be cause for denying future employment with the Town. An "exit interview" should be arranged with the Human Resources Director to be held before the last day of employment.

Section 4. CONSTRUCTIVE DISCHARGE

An employee is encouraged to communicate to the Town whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. An employee is required to notify his immediate supervisor in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the Town alleging that the working condition forced the employee to resign. An employee is required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the Town. An employee may be entitled an unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the working condition.

RULE 19. TRAINING OF EMPLOYEES

Section 1. RESPONSIBILITY FOR TRAINING

The Town Council encourages the training of employees. Responsibility for developing training programs for the employees shall be assumed jointly by the Human Resources Director and department heads. Such training programs may include lecture courses, demonstrations, 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 2. 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 Director. Employees participating in an Employer required training or college course, approved by the Human Resources Director, shall receive time off with pay.

RULE 20. REPORTS AND RECORDS

Section 1. ROSTER CARDS

The Human Resources Director shall maintain a service or roster card for each employee in the service of the Town showing the name, title or position held, the department to which assigned, salary, changes in employment status and such other information as may be considered pertinent. If the employee moves or changes marital status, number of dependents, telephone number or name, the employee shall contact his immediate supervisor or the Human Resources Director at once.

Section 2. PERFORMANCE EVALUATION

All employees of the Town, except the Town Manager, shall be subject to performance evaluations. The Department Heads shall be evaluated by the Town Manager. Probationary employees shall be evaluated at the end of the probationary period. Any written performance evaluation reports shall be reviewed with the employee and filed with the Human Resources Director to be placed in the employee's personnel file. These reports may be used in consideration for determining transfers, promotions, demotions, dismissals or lay-offs. In order to give feedback on job performance and to set both long and short term goals, employees will receive annual appraisals/evaluations of their performance. ☹

Section 3. EMPLOYEE RECORDS

It is the policy of the Town of Wickenburg 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 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. Information obtained for business use and contained in the personnel files is not a matter of public record and should not be generally accessible to everyone.

Employee medical information collected by or supplied to the Town will be kept separate from the employee's personnel records and will be maintained in a confidential manner. Such information will be made available only to individuals on a need to know basis or, where applicable, in compliance with state or federal laws governing access to such records.

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

- A. Town personnel as specifically designated in writing by the Human Resources Director to have a need for such information; and,
- B. The employee for review of his or her own individual personnel file (this should be by pre-arranged time and would not include removing records ☹); and,
- C. The Human Resources Director or Hearing Officer when reviewing employee complaints, grievance or appeals; and, ♦
- D. Any person or organization that receives a signed written release statement from the employee whose records are in question.
- E. Information may be released in response to a court order, subpoena or official law enforcement investigation. Any person may make a request for public records in which only certain information can be provided (See Administrative Rules for specifics). ☹

RULE 21. AFFIRMATIVE ACTION

For the purposes of the Town of Wickenburg, the affirmative action program shall be analyzing the methods, procedures and results of the personnel actions to determine whether otherwise qualified workers have been excluded for reasons of race, religion, age, sex, disability, color, national origin or political or religious opinion or affiliation. In doing so, it means taking every appropriate corrective action to bring about equal opportunity in employment.

Section 1. RESPONSIBILITIES

The Town of Wickenburg shall initiate the following responsibilities necessary to facilitate implementation of the affirmative action program:

- A. The Human Resources Director shall maintain continuing review of all rules and regulations of the Town's personnel system so as to detect any illegal or improper impediments to the employment or advancement of minority groups or women.
- B. Review and evaluate operations periodically and obtain reports as necessary to determine the overall status of the Town's equal opportunity program.
- C. Develop and implement a system for gathering statistical information on minority groups and women, showing their progress in moving into middle and upper level positions in this Agency.
- D. Promote the complaint and appeal grievance procedure in these rules and regulations, which provide for promptness, fairness and impartial consideration of the complaint of discrimination.
- E. Develop and implement an information program designed to inform the general public, minority group organizations and women organizations of the equal employment policy and program effort.

☛ RULE 22. LEGAL COMPLIANCE AND ETHICS POLICY

Section 1. PURPOSE

It is the policy of the Town that all Town activities be in compliance with applicable federal and state laws and regulations. It is also the policy of the Town that all employees shall conduct themselves according to the highest standards of legal and ethical behavior.

Section 2. COMPLIANCE WITH LAWS AND REGULATIONS: NOTICE

Employees are required, as a condition of their employment, to comply with applicable laws and regulations and to cooperate with all federal, State, and local jurisdictions to enforce such laws and regulations. All employees shall immediately notify their supervisor or the Town Manager of any incidents or activities of which they are aware or become aware which they believe may be in violation of any federal, State or local laws or regulations, and supervisors shall immediately transmit any such reports to the Town Manager. If the perceived violation involves the Town Manager, the employee shall immediately notify the Human Resources Department or Town Attorney. Failure of an employee to immediately report any such incident or activities that the employee may know about or believes to be a violation of laws or regulations may result in termination of employment.

Section 3. OTHER EMPLOYEE CONCERNS

If an employee has a concern about a matter that may not be a violation of federal, State or local law or regulation but affects his or her working environment, that employee is encouraged to bring this to the attention of the Town Manager. If the matter causing concern involves the Town Manager, the employee may contact the Human Resource Department or the Town Attorney. This policy does not replace the Complaint and Appeal Grievance procedures set forth in Rule 21 of this manual. All appeals of decisions affecting employment shall be filed in accordance with Rule 21 of this manual.

Section 4. ANONYMOUS COMPLAINTS

Anonymous concerns and complaints may be filed, but are often extremely difficult to investigate because the investigator(s) do not have the advantage of being able to ask for clarifying information about incidents or witnesses. As a result, individuals are encouraged to identify themselves when surfacing concerns or complaints.

Section 5. INVESTIGATION

Upon receiving a report filed pursuant to Section 2 or a concern and complaint pursuant to Sections 3 and 4, the Town Manager shall immediately investigate the report and, if it appears there is a violation of such laws or regulations, take steps to cure such violations. A written report shall be prepared and made available to the Town Council.

Section 6. RETALIATION

No employee will be subjected to any form of retaliation or discipline for submitting a concern or complaint in accordance with this policy. An employee or supervisor who initiates or participates in a retaliatory act is subject to discipline up to and including dismissal. Employees who believe that they have been subjected to retaliation shall immediately report the matter to the Town Manager, the Human Resource Department, or the Town Attorney.

Section 7. FALSE INFORMATION

If, after investigating a concern or complaint in accordance with this policy, the Town determines that intentionally false or malicious information was provided, disciplinary action may be taken against the individual(s) who gave the intentionally false or malicious information.

♣ RULE 23. EMPLOYEE CONDUCT

Section 1. EMPLOYEE CONDUCT

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. Town employees are permitted to visit with Town Council members and express their views on Town matters. Employees should answer any questions asked by Town Council members and inform their immediate supervisor of the discussion in case there needs to be some follow-up action taken on the matter. All employees are expected to follow the administrative chain-of-command in employment and personnel related matters and in meeting regular job responsibilities. Personnel matters are not to be discussed with Town Councilmembers.

Section 2. COURTEOUS SERVICE

Employees shall provide prompt, courteous, and high quality service to the public.

Section 3. EMPLOYEE APPEARANCE

Employees are expected to wear professional clothing appropriate to individual job(s) and worksite. Your dress and appearance should be neat, clean, in good taste, and not constitute a safety hazard. Individual Departments may set appropriate and reasonable standards of dress. Departments where uniforms are provided should be in uniform when they have contact with the public.

Section 4. TOBACCO USE

For the health and well-being of all Town employees and citizens, smoking is not permitted while in any Town buildings or Town owned vehicles. Chewing tobacco, e-cigarettes, pipes, and cigars fall under the same guidelines. Smoking is permitted during breaks and lunch, however, no special smoking breaks are allowed since this is unfair to non-smoking employees. If an employee feels compelled to smoke, be sure to be at least 20 feet from all doorways so the smoke does not filter back into the building(s). If any Town employee would like to quit smoking, please contact the Human Resources Department for possible assistance.

Section 5. PERSONNEL TELEPHONE CALLS

Town employees should limit their personal telephone calls. Management understands the need for occasional calls to check in or confirm some information. If a personal call is going to take longer than five (5) minutes, please try to take care of the personal business during a break or lunch. Emergencies are another matter; please inform/advise your supervisor of the emergency so there are no misunderstandings. Personal, long distance telephone calls from a Town telephone are prohibited except in the case of a family emergency (death, serious illness, etc.) and welfare calls. The employee will be expected to reimburse the Town for any charges incurred when making an emergency call.

Section 6. INTERNET OR COMPUTER USE

“Users” of Town computers and equipment include Town employees, elected officials, volunteers, contractors, and other users authorized to use the Town’s equipment. No unauthorized users are allowed on the Town’s computers. Employees are asked not to visit inappropriate Internet sites or forward inappropriate emails on work computers. Examples of prohibited behavior are using, accessing, transmitting or forwarding material of an obscene, pornographic, threatening, demeaning, harassing, or otherwise offensive nature, whether in words or images that would be either illegal, prohibited or inappropriate. Keep your personal use of the computer and Internet to a minimum, preferably during breaks or lunch. Copying, downloading, installing/removing software or applications without permission is prohibited. The Town retains control, custody and supervision of all computers, networks, and information services owned or leased by the Town. The Town reserves the right to monitor all computer and Internet activity by employees and other system users, without prior notice. Employees have no expectation of privacy in their use of Town computers.

Email may be subject to disclosure pursuant to the public records laws as enacted under Title 39 of the Arizona Revised Statutes. The Town of Wickenburg assumes no responsibility for any unauthorized charges made by the employee(s) including, but not limited to, credit card charges, gambling, subscriptions, long distance telephone charges, equipment and line costs, or for all illegal use of its computers such as copyright violations and/or violations of software licensing.

Section 7. TOWN EQUIPMENT & VEHICLE USE; MOTOR VEHICLE REPORT (Res. 2214/4-19)

A. Driver's License Requirement

All employees of the Town who operate Town equipment or vehicles shall always have a valid Arizona driver's license in effect during the course of their employment with the Town. Continued employment in jobs that require the employee to drive is subject to maintenance of a valid driver's license. If your license is revoked or suspended for any reason, you must notify your supervisor immediately. You cannot operate any equipment or vehicle without a valid license which is properly endorsed for that equipment.

B. Disclosures, Motor Vehicle Report

Driving history disclosures and motor vehicle reports shall be completed in conjunction with pre-employment screening and updated every three (3) years by the Town for positions which require use of town vehicles. The Town reserves the right to request the past three (3) years of driving experience from employees who use, or may use, town vehicles. Copies of each employee's driver's license(s) and driving records may be maintained by the Town to ensure compliance with this section.

C. Town Equipment & Vehicle Use

1. All Town equipment & vehicles will be used only for official Town business.
2. All regular assigned take home vehicles require written approval from the Town Manager.
3. Employees may not take Town equipment or vehicles outside the Town limits without the approval of their immediate supervisor.
4. The department head may permit an employee to drive a vehicle home or other use of Town vehicles outside of working hours if one of the following conditions apply:
 - a. The employee's location of residence is between the training destination making it not cost efficient for the employee to drive to the work station to procure a Town vehicle.
 - b. The employee must arrive at the destination very early in the morning or arrive home late at night and the cost of lodging is saved, or the employee believes their safety is at risk
 - c. The employee must be prepared to leave directly from home due to an emergency.
5. Any other authorization will be given on an individual basis by the Town Manager.
6. Ride Along in a police or fire vehicle is permitted only with prior approval from the department head and completed documentation is on file with a copy to Risk Management.
7. Employees are responsible for all parking & traffic citations for parking & traffic violations, as well as any damages or costs caused by the employee during an unauthorized use of an assigned vehicle.

D. Seatbelt Requirement

All employees who drive or are passengers in Town vehicles are required to wear their seatbelt.

E. Passengers

Passengers are prohibited in Town Vehicles except for the purpose of official Town business. Only authorized persons for work related assignments may accompany Town employees in Town vehicles on official Town business.

F. Out-of-State Use

Permission to take a Town vehicle out of the state must be approved in advance by the Town Manager.

G. Accident or Misuse

Any accident or misuse of Town equipment or vehicles shall be reported to Human Resources and the department head.

Employees involved in any form of accident while operating Town equipment or vehicles shall report it immediately to their supervisor in conjunction with the Town's Loss Control/Safety Program.

H. Prohibitions

It is prohibited to:

1. Consume or use alcohol or prohibited drugs (see drug and alcohol policy) while operating or driving Town equipment or vehicles.
2. Transport alcohol or prohibited drugs while operating or driving Town equipment or vehicles unless seized as part of a law enforcement investigation.
3. Operate or Drive Town equipment or vehicles while being under the influence of alcohol or prohibited drugs including if you would test positive in any amount OR have used eight hours prior to the employee's use of the vehicle.
4. Smoke cigarettes/nicotine, inhale a vaporizer or use chewing tobacco while in, operating or driving Town equipment or vehicles.
5. Drive or ride in a Town vehicle without wearing seatbelts.
6. Use of a hand-held mobile telephone or other portable electronic device while operating a motor vehicle unless a hands-free device is used.
 - a. "Hands-Free" means the use of a mobile telephone or portable electronic device without the use of either hand by employing an internal feature of, or an attachment to, the device.
 - b. "Operating" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of a traffic light, stop sign, traffic, or otherwise temporarily immobilized, but excludes operating a motor vehicle when the vehicle has pulled over to the side of the road or off an active roadway and has stopped at a location in which it can safely remain stationary.

I. Disciplinary Action

Violation of these rules can result in disciplinary action up to and including dismissal and repayment to the Town of misspent or misused Town resources. See Rule 11. Discipline.

Section 8. OUTSIDE EMPLOYMENT

While the Town of Wickenburg does not prohibit employees from having a second job, secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, raise any ethical concerns, or necessitate long hours that may impact the employee's working effectiveness. Employees that are contemplating outside employment are required to submit a written request for approval. The written request should identify the secondary employer, the nature of the duties to be performed, and the anticipated hours the employee will be working. The Human Resources Director or designated representative will promptly answer this request in writing and a copy placed in the employee's personnel file.

Section 9. APPEARANCE AND DRESS CODE (Res. 2324-3/23)

1. **Generally.** This policy describes the town's general expectations for employees regarding personal appearance and dress. All departments shall comply with this policy unless the department has a stricter standard.
2. **Appearance/Dress Code.** The standard of dress for employees who are not required to wear a uniform or have an approved department policy is "business casual." Appearance and clothing should be clean, neat, and considerate of the sensibilities of fellow employees. This policy contains a general overview. Examples of appropriate and inappropriate attire are included; neither list, however, is all-inclusive. No dress code can cover all contingencies, so employees are required to exercise sound judgment.
3. **Work Appropriate Appearance/Dress.**
 - a. Slacks (similar to Dockers®), dress pants, trousers, and dressy Capri's.
 - b. Dresses or skirts (mid-thigh or below).
 - c. Collared shirts, dress shirts, polo shirts, turtlenecks, sweaters, and casual shirts.
 - d. Loafers, athletic shoes, boots, flats, dress heels, and leather sandals. Closed toe and closed heel shoes are required in certain operational areas.
 - e. Employees are expected to observe proper habits of personal grooming and hygiene at all times.
 - f. Scented personal grooming products should be used with restraint, as some people are allergic to chemicals in perfume and make-up.
4. **Unacceptable Appearance/Dress.**
 - a. Jeans, sweatpants, exercise pants, shorts, overalls, leggings, and any spandex or other form-fitting pants.
 - b. Mini-skirts, skorts, and sun/beach dresses.
 - c. Any shirt that reveals the abdomen or low back, any spaghetti/strapless tops or t-shirts (unless worn under a blouse, shirt, jacket, or dress), shirts with logos or slogans greater than 4 square inches (unless work uniform), shirts with pictures or cartoons.
 - d. Beach/pool style flip-flops and slippers.
 - e. Hats except those required for religious tradition.
5. **Casual Days.** The last day of the work week, and other days as determined by the department director, is "casual" day. On casual days jeans (clean, nonwrinkled, with finished seams), sweatshirts, and inoffensive t-shirts are permitted in addition to all other acceptable business casual attire.
6. **Management Employees.** Management level employees are expected to know or ascertain all situations when more formal dress is expected and dress accordingly.
7. **Tattoo and Jewelry.** The town recognizes that personal appearance is an important element of self-expression and strives not to control or dictate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice. The company expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties.

The town allows reasonable self-expression through personal appearance, unless it conflicts with an employee's ability to perform his or her job effectively or with his or her specific work environment, or it is regarded as offensive or harassing towards others. Visible tattoos shall not portray foul language, nudity, racist beliefs, extreme violence or pornographic imagery or words.

Factors that management will consider when determining whether jewelry or tattoos pose a conflict with the employee's job or work environment include:

- a. Personal safety of self or others, or damage to company property.
- b. Productivity or performance expectations.
- c. Offensiveness to co-workers, customers, vendors or others in the workplace.
- d. Corporate or societal norms.
- e. Customer complaints.

If management determines an employee's jewelry or tattoos present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

8. **Accommodation.** Exceptions to this policy may be requested and will be granted as required by law.
9. **Violations.** The Town reserves the right to inform any employee, at any time, that his or her grooming, attire or appearance is unacceptable and what change must be made. After having been so informed, the employee must comply with the required change. Failure to do so will result in discipline in accordance with the Town's Discipline System Policy.

☆ RULE 24. SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY EMPLOYEES

Section 1. PURPOSES

The purpose of this Supplemental Benefits Plan for Public Safety Employees (Plan) is to meet the requirements of A.R.S. §38-961 and provide additional economic benefits to Police and Fire employees who are injured and eligible for a specific category of Workers' Compensation benefits.

Section 2. ELIGIBILITY

The Town has discretion to determine eligibility of an employee to participate or continue in this Plan. To be eligible for supplemental benefits under this Plan initially and to continue in the Plan as described in this policy, the employee must meet all of the following criteria:

- A. Be a certified Police Officer or certified Firefighter, employed full-time by the Town at the time of injury.
- B. Be injured and eligible for Workers' Compensation benefits pursuant to A.R.S. §23-1021.
- C. Be receiving Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041 and related statutes.
- D. Request supplemental benefits, in writing, addressed to the Town Manager's Office, within thirty (30) days of receiving first payment of Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041.
- E. Follow all other procedures for requesting benefits as outlined in this policy or related documents.
- F. Participate in all Risk Management activities related to his or her Workers' Compensation injury.
- G. Be physically unable to return to work for the Town in any capacity, including alternative work assignments or light duty, as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town directly or through its Workers' Compensation insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this Supplemental Benefits Plan.
- H. Remain a Town full time employee during the time period the employee is receiving the supplemental benefits.

Section 3. BENEFITS

All benefits under this Plan will be provided while the employee meets all eligibility criteria, for a period up to six (6) months¹ from the date the employee receives first payment of Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041.

Benefits under this Plan include:

- A. Payment by the Town of the difference in salary between the employee's base pre-injury salary, less taxes and the Workers' Compensation benefit paid to the employee under A.R.S. §38-961, and any other voluntary deductions on the part of the employee.
- B. Continued payment of the Town's employer portion of premium for health care benefits as was paid pre-injury and/or as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health care benefits as was paid pre-injury and/or as is paid by similarly enrolled employees.
- C. Continued participation in the Public Safety Personnel Retirement System based on the employee's pre-injury wages.
- D. Credit for service in the Public Safety Personnel Retirement System at the same accrual rate as pre-injury.
- E. Maintenance of accrued Town leave balances at pre-injury level, including sick and vacation leave, and/or PTO.

¹ Town may consider a six-month extension of the SBP at a future time.

To the extent the employee is eligible for and receives salary or benefit changes while receiving benefits under this Plan, the Plan benefits will be adjusted accordingly. For instance, if all employees are provided automatic salary adjustments as part of an annual process, the employee will receive benefits under this Plan based on his/her new adjusted salary as he/she would receive if not injured. Such adjustments may or may not benefit the employee. For instance, if during the benefit period under this Plan the Town changes employer health care benefits contributions from eighty percent (80%) to seventy percent (70%), the employee may be required to pay additional premiums as would any other similarly situated employee.

Section 4. PROCEDURE

- The Town Manager's Office will receive all requests for Plan benefits, in writing, from the employee outlining the request and any relevant information needed for decision making by the Town. Such a request must be made within thirty (30) days of the employee's receipt of his or her first lost-time wage replacement benefit paid under Workers' Compensation. The Town Manager's Office will provide the request to the employer-designated SBP Administrator, and the Human Resources and Risk Management Coordinator. Failure to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961.
- The Town SBP Administrator will review the written request, the circumstances surrounding the injury, employee eligibility for Workers' Compensation, and any other relevant factors. Within thirty (30) days of receipt of request for benefits under this Plan, the SBP Administrator shall provide the employee with written determination of benefits eligibility under this Plan.
- Supplemental benefits under the Plan will be provided from the date of an employee's injury for a period not to exceed six (6) months, as long as the employee continues to meet all eligibility criteria.
- Employees granted benefits under this Plan will cooperate fully with the Town, SBP Administrator, and others working to coordinate benefits.
- The employee's Town leave accounts will be frozen as of date of injury until conclusion of participation in the Plan.
- If an employee is denied participation in the Plan for any reason, he or she has a right to appeal such denial. The process for doing so is, exclusively, the following:
 - ✓ Within ten (10) working days from receipt of denial letter, file a written appeal with the Town Manager stating the reason for the appeal and facts that the employee wishes to have considered.
 - ✓ Within five (5) working days, the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided.