



Personnel System

Personnel Policies

1 GENERAL PROVISIONS

Personnel System

PROPOSED:

03/01/2022

Original Effective Date:

07/01/2006

GENERAL PROVISIONS

Purpose of Personnel System

Purpose Statement

- a. This manual has been established to clearly set forth an understanding and cooperation and, in turn, efficiency among City personnel.
- b. Should any article, paragraph, sentence, clause, or phrase of this manual or the application of the same to a particular set of persons or circumstances be declared unconstitutional or invalid for any reason, the remainder of this manual shall not be affected.

DISCLOSURE

Policy Not a Contract

- a. While the City desires to apply these policies and procedures to all employees, NOTHING IN THIS MANUAL OF PERSONNEL POLICIES SHALL BE DEEMED OR CONSTRUED TO CREATE A CONTRACT OF EMPLOYMENT OR TO CONSTITUTE A CONTRACT FOR ANY PARTICULAR TERM(S) OR CONDITIONS CONCERNING EMPLOYMENT.
- b. The City expressly disavows any employee from reliance upon this manual or its provisions in a manner so as to attempt to establish any contractual rights.
- c.

Authority

- a. The City of Maricopa and its elected officials reserve the right to amend, modify, add to or subtract from any provisions set forth in this manual at anytime.
- b. Benefits and policies addressed in this manual that are controlled by state or federal statutes may be modified or changed by the City Manager or his designee to remain consistent with any changes in state or federal law.

DEFINITIONS

Service Relationships

- a. Members of the City Council shall not be employed in any other capacity with the City during their tenure on the City Council.
- b. Members of Advisory Boards, Commissions and Advisory Groups shall not be employed by the City during their term of service. City employees who are appointed by the City Council or the City Manager to serve as subject matter experts or to staff such boards, commissions or advisory groups are exceptions to this rule.
- c. The City Manager shall be responsible for implementing and administering these Personnel Policies and Rules and otherwise appointing, compensating, reassigning, disciplining and removing employees of the City as necessary and prudent. The City Manager shall be the final authority on the interpretation of these rules and is authorized to implement any administrative policies necessary to clarify the process or procedure for enforcing these policies or to address any matters not specifically set forth herein.

Classified Service - Merit Employee

The classified service includes all employees whose positions have been approved and budgeted by the City Council, have fulfilled the required probationary period of employment, and do not qualify as “unclassified”. The classified service is designed to facilitate efficient and economical services to the public, and to provide for a fair and equitable system of human capital management. All classified service employees are considered Merit employees, and are therefore eligible to submit appeals regarding discipline as allowed under the City’s policies and procedures.

Unclassified Service - 'at-will' employees

- a. The unclassified service is defined as those employees not considered Merit employees, and who are NOT eligible to submit appeals regarding discipline. This service includes employees in which administrative necessity dictates that the positions be responsive and accountable to City policy or are temporary and provisional in nature. Employees within the unclassified service are “at-will” employees; employment is subject to termination by the employee or the City at any time for any reason, unless otherwise stated in a written contract of employment.
- b. Positions considered part of the unclassified service must comply with all City standards of professional conduct while doing business with and for the City, but have limited privileges and employment protections as described throughout these provisions. Positions considered part of the unclassified service include, but are not limited to:
 - i. Staff Positions as Determined by the City Manager
 - ii. Those positions appointed by the City Council as set forth in the City Code.
 - iii. New Employees: All new employees are considered unclassified and not

eligible to appeal until they have successfully fulfilled their probationary period of employment.

iv. Part-time Employee: A person who is appointed to perform the duties of a position for less than 40 hours a week. Part-time employees shall not work more than 29 hours per week, or 58 hours biweekly, or no more than 1,508 hours annually.

v. Seasonal Employee: A person who is appointed to perform the duties of a position that requires staffing during certain parts of the year. Seasonal employees are hired for a defined period of time in support of specific programs (e.g., Summer Recreation or Aquatics) and shall not work more than 19 weeks in a calendar year.

vi. Temporary Employees: Temporary employees hired to perform a job which is limited in nature are not to exceed 12 months of employment unless limited to less than 20 hours per week of employment, and are not subject to a 12 month employment limitation. Extended appointments are restricted to positions which require a considerable period of training and preparation, where a change of personnel would have an adverse effect on the program, or which are funded by non-City money (e.g., state and federal grants). Temporary employees who work 20 or more hours per week for more than 20 weeks in a fiscal year are required to contribute to the Arizona State Retirement System.

Personnel Authority

- a. The City Manager is the Personnel Officer and may delegate any of the powers, duties and responsibilities set forth herein to any other employee of the City or may contract for human capital services.
- b. Human Resources is responsible for the development and administration of a comprehensive system to select and compensate an effective work force, maintain personnel files, provide employee fringe benefits, and communicate City policies and procedures.

ANTI-DISCRIMINATION

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, age, national origin, mental or physical disability, pregnancy, veterans' status, genetic testing or any other protected characteristic as established by law. The City prohibits, and will not tolerate, any such discrimination or harassment. In addition, the City will not allow any discriminatory practices which could be construed as creating a hostile environment, as defined by law, for City employees.

Retaliation Non-Tolerance

The City of Maricopa will not tolerate retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory employment

practices.

AMERICANS WITH DISABILITIES ACT
Adherence to Americans with Disabilities Act of 1990

It is the policy of the City of Maricopa that there will be no discrimination against a qualified individual with a disability because of the disability of such individual and that the City will make a reasonable accommodation to a qualified individual, in accordance with State and Federal Law.

Reference: Administrative Policy

[2 WORKPLACE STANDARDS: ADA Policy - AMERICANS WITH DISABILITY ACT POLICY](#)



Merit System, Hearing Officer, Administration, and Appeals Procedure

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2 MERIT SYSTEM

Merit System, Hearing Officer, Administration, and Appeals Procedure

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2 MERIT SYSTEM

The City Manager is hereby authorized to establish a Code of Conduct and related disciplinary processes and procedures in accordance with the following principles:

- a. Recruitment from all segments of society, and selection and advancement on the basis of ability, knowledge, and skills, under fair and open competition.
- b. Fair and equitable treatment in all personnel management matters, without regard to politics, race, color, religion, national origin, sex marital status, age, or disability condition, and with proper regard for individual privacy and constitutional rights.
- c. Equal pay for work of equal value, considering both national and local rates paid by private and public employers.
- d. High standards of integrity, conduct, and concern for the public interest.
- e. Efficient and effective use of the municipal work force.
- f. Retention of employees who perform well, correcting the performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards.
- g. Improved performance through effective education and training.
- h. Protection of employees from arbitrary action, personal favoritism, or political coercion.
- i. Protection of employees against reprisal for lawful disclosures of information.



Disciplinary Action

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DISCIPLINARY ACTION

Disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct for violation of City policies. The City maintains, through administrative policy, a progressive disciplinary process to provide general guidelines for a fair method for disciplining employees. Employees who have completed their probationary status and are not at-will, shall only be disciplined with cause. Probationary and at-will employees are subject to discipline up to, and including termination, without cause.



Political Activity

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4 POLITICAL ACTIVITY

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POLITICAL ACTIVITY

Public Policy

It is the public policy of the City that:

- a. All employees be free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any activity permitted by this policy.
- b. Employees may not engage in activities that are inconsistent, incompatible, in conflict with, or are harmful to their duties as City employees.
- c. Nothing contained in this policy shall be construed as denying employees of their civil or political liberties as guaranteed by the United States and Arizona Constitutions or other applicable laws.

Prohibited Activities

The following political activities are prohibited during City elections:

- a. Using any official City authority or influence for the purpose of interfering with or affecting the results of an election;
- b. Using City resources to influence the outcome of elections as prohibited by [A.R.S. § 9-500.14](#). This prohibition has been interpreted to prohibit the use of any City funds or resources to advocate for or against a measure that will be on the ballot. The obvious exception to this general prohibition is when the City Council proposes a measure that will appear on the ballot. But even then, the use of City funds and resources is limited to informing the public of this action. City funds and resources cannot be used to “campaign” in support of the measure.
- c. Initiating or circulating a political nomination, recall or referendum petition;

- d. Participating in the management of political campaigns;
- e. Displaying signs, bumper stickers, posters, or pamphlets on public property for the endorsement of candidates or issues;
- f. Being politically active in connection with a candidate, with a bond issue, referendum, or issue of similar character at issue in a City election;
- g. Using an official City title or designated employment with the City when endorsing or opposing a candidate or issue in a political advertisement, broadcast, campaign literature, or similar material;
- h. Being a candidate for or appointed to serve as Mayor or a member of City Council. Any City employee desiring to run for or be appointed to a City office shall resign from City service prior to filing for such office;
- i. Engaging in improper political activity as prescribed [City Code Section 3.70.050](#) or [A.R.S. §41-772](#), which may be amended from time to time; and
- j. Engaging in any political activity when on duty, including break periods, in a City uniform, using City resources, or in any context that implies an employment relationship with the City. However, uniformed employees may vote at this location.

The following political activities are prohibited for national, state, county and municipal elections outside the City of Maricopa:

- a. Using any official City authority or influence for the purpose of interfering with or affecting the results of an election;
- b. Using City resources to influence the outcome of elections as prohibited by [A.R.S. § 9-500.14](#). This prohibition has been interpreted to prohibit the use of any City funds or resources to advocate for or against a measure that will be on the ballot;
- c. Using an official City title or designated employment with the City when endorsing or opposing a candidate or issue in a political advertisement, broadcast, campaign literature, or similar material;
- d. Being a candidate for or appointed to any non-City of Maricopa elected position unless the City Manager has previously determined such elective office is not inconsistent, incompatible, in conflict with, or harmful to the duties as a City employee;
- e. Engaging in improper political activity as prescribed [City Code Section 3.70.050](#) or [A.R.S. §41-772](#), which may be amended from time to time; and
- f. Engaging in any political activity when on duty, including break periods, in a City uniform, using City resources, or in any context that implies an employment relationship with the City. However, uniformed employees may vote at this location.

While the City is permitted to respond to citizen inquiries, it must do so in a neutral manner that does not urge support or opposition to the measure. The information provided by the City must therefore be “full and impartial” and cannot “amount to improper campaign

activity.” [Ariz. Op. Atty Gen. No. I00-020](#) (09/11/2000).

Employees whose pay is fully-funded by federal funds are covered by the [Hatch Act \(5 USC §§1501-1508\)](#), a federal statute that sets forth specific limitations on the political activities of some public employees. Departments or employees who have questions regarding whether an employee is covered by the Hatch Act should contact the Human Resources Department.



Violence, Harassment, Drug & Tobacco Free Workplace

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5 WORKPLACE STANDARDS

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Workplace Violence

Workplace violence towards employees or anyone at the City of Maricopa will not be tolerated.

Harassment Policy

The City of Maricopa has zero tolerance towards any type of harassment in the workplace. Any concerns, observations, and reports are investigated and taken seriously to ensure a safe work environment for all employees.

Drug Free Workplace

The City of Maricopa is committed to providing employees with a safe, drug and alcohol-free workplace.

Tobacco Free Workplace

The City of Maricopa facilities have been established as a smoke-free workplace in accordance to the [Indoor Clean Air Act of 1991](#) and the [Smoke-Free Arizona Act §A.R.S. 36-601.01](#).



Holidays, Vacation, Sick Leave, FMLA, Military, Jury, Voting, and Bereavement

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Observation of Holidays

When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Friday or Saturday, it will be observed the previous Thursday.

Winter Break

For non-essential personnel the City will be closed at 12 p.m. on December, 24 through January 1 and will reopen the first business day after January 1.

VACATION

Vacation Time

Vacation time will be accrued based on length of continuous regular full-time employment and active paid status. Part-time and seasonal employees do not accrue paid vacation time.

Vacation Years of Service Accrual

- a. The following is the vacation years of service accrual schedule for all regular 40-hour week, full-time employees:

Years of Service	Annual Maximum Accrual Hours	Maximum Hours Carried Forward Calendar Year to the Next
0-3	88	120
3-5	112	160
5-10	144	200
10-15	168	240
15+	192	280

- b. Regular full-time employees, who separate from the City of Maricopa employment, shall be paid for unused Vacation Time if they have worked a minimum of 6 months.
- c. Employees hired on or before November 15, 2019 who have in excess of the maximum hours to be carried forward on December 31 of each calendar year will be paid for any excess amount of leave.
- d. The calculated excess amount will be paid on the first full pay period of the new calendar year. Employees must have taken at least 80 hours of vacation during the calendar year to be eligible for this excess amount to be paid out.
- e. Employees hired after November 15, 2019 who have an excess of their maximum carry forward hours on December 31 will lose any hours over their maximum carry forward amount.
- f. The City Manager is authorized to start new hires, rehires and promoted employees in a higher vacation accrual years of service category. Employees will advance based on the years of service designated by the City Manager.

Examples:

Employee starts at 4 years of service earning 112 hours per year. After being with the City for 1 year they would advance to the 5-10 years of service earning 144 hours per year.

The same employee, after being with the City for 6 years they would advance to the 10-15 years of service earning 168 hours per year.

SICK TIME

Purpose of Sick Time

Sick Time is a fringe benefit to be used when the employee or a family member of the employee for any medically related absence.

Accrual of Sick Leave

Details for Sick Time accruals and procedures reference Administrative Policy

OTHER AUTHORIZED LEAVE

The City of Maricopa authorizes the following types of leave in accordance with the corresponding federal and state laws:

- Bereavement Leave
- FMLA
- Military Leave
- Witness / Jury Duty
- Voting Leave