

# Personnel Policies and Procedures



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**2012**

The City of Maricopa's Vision is

**“To Be the Premier Provider of Municipal Services  
in the United States of America.”**

This vision can only be accomplished through dedication and investment in Human Capital, with quality employees being the City's first priority. As the City of Maricopa continues to grow and develop, its focus will always reside on employing the best people in order to provide exceptional service.

A position with the City of Maricopa is a position of service to the community. In every decision and action, City of Maricopa employees will consider the impact their choices will have on the residents of Maricopa. The City of Maricopa will achieve greatness as a municipality by building it to last on a foundation of the right people.

The City is pleased to welcome you as a new employee who has been chosen because we believe that you are the right person for the job. This manual has been designed to provide you with an understanding of your rights and benefits as an employee, and in turn what your responsibilities are as an employee of the City. If you have any questions or concerns regarding this Policies and Procedures Manual, please speak with your supervisor or the Human Resource Director.

Welcome to the team!

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# 1: General Provisions

<b>Policy Title:</b> Purpose of Personnel System		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.1

## 1.1.1 Purpose Statement

- a) Dedication to the value of Human Capital is the most important factor in operating a successful Municipal government. The establishment of policies, a good administrative structure, and sound financial methods are seriously impaired if employees are not reaching their full capability. This manual has been established to clearly set forth and to bring a higher degree of understanding and cooperation and, in turn, efficiency among Municipal 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.

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## 1: General Provisions

<b>Policy Title:</b> Disclosure		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.2

### 1.2.1 Policy Not a Contract

- a) While the City desires to apply these policies and procedures to all employees, it shall be clear from the outset that 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.

### 1.2.2 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 to remain consistent with any changes in state or federal law.

# 1: General Provisions

<b>Policy Title:</b> Definitions		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.3

## 1.3.1 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 appointed by the City Council and shall serve as the chief administrative officer. The City Manager shall be responsible for the proper administration of all affairs of the City including implementing and administering these Personnel Policies and Rules and otherwise appointing, compensating, reassigning, disciplining and removing employees of the City as necessary and prudent.

## 1.3.2 Classified Service - Merit employees

- a) The classified service includes all employees whose positions have been approved and budgeted by the City Council, have fulfilled the required ninety-day (90) evaluation 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 to the Merit Board as allowed under the City's personnel policies and procedures.

## 1.3.3 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 to the Merit Board. 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 to the Merit Board until they have successfully fulfilled their ninety (90) day evaluation period of employment (see Policy 3.3)
  - ii. Temporary Employees: Temporary employees hired to perform a job which is limited in nature are not to exceed twelve months of employment unless limited to less than twenty (20) hours per week of employment, and are not subject to a twenty-four (24) 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 twenty (20) or more hours per week for more than twenty (20) weeks in a fiscal year are required to contribute to the Arizona State Retirement System.

# 1: General Provisions

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## 1.3.4 Personnel Authority

- a) The City Manager is the Personnel Officer and may delegate any of the powers, duties and responsibilities to any other employee of the City or may contract for human capital services. References to Human Resource Director in this provision refer to the individual with day-to-day responsibility for citywide human capital management. Designee refers to the individual designated by the City Manager to perform any human capital management duties in the absence of a Human Resource Director.
- b) The Human Resource Director 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 personnel policies and procedures.

## 1: General Provisions

<b>Policy Title:</b> Anti-Discrimination		<b>Policy / Revision No.</b>	HC2006.2
		<b>Date of this Revision</b>	7/17/2007
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.4

### 1.4.1 Prohibition against Discriminatory Practices

- a) The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.
- b) 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.
- c) The City of Maricopa prohibits discrimination in any aspect of employment, including:
  - i. hiring and firing;
  - ii. compensation, assignment, or classification of employees;
  - iii. transfer, promotion, layoff, job elimination, or recall;
  - iv. job advertisements;
  - v. recruitment;
  - vi. testing;
  - vii. use of City facilities;
  - viii. training and apprenticeship programs;
  - ix. fringe benefits;
  - x. retirement plans and disability leave.

### 1.4.2 Types of Discrimination

- a) The City of Maricopa does not practice, nor will allow, discrimination or harassment of any employee or job applicant on the basis of:
  - i. Race, color, religion, sex, or national origin, age, or disability
- b) In addition, the City of Maricopa will not allow any other discriminatory practices which could be construed as creating a hostile environment for City employees. A hostile environment can include, but not be limited to:
  - i. Sexual Harassment, including practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment.
  - ii. Discrimination due to pregnancy, childbirth, or related medical conditions, as these conditions must be treated in the same way as other temporary illnesses or conditions.



# 1: General Provisions

<b>Policy Title:</b> Anti-Discrimination		<b>Policy / Revision No.</b>	HC2006.2
		<b>Date of this Revision</b>	7/17/2007
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.4

## 1.4.3 Retaliation Non-Tolerance

- a) 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. In addition the City of Maricopa will not tolerate employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.

## 1: General Provisions

<b>Policy Title: American with Disabilities Act</b>		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	1.5

### 1.5.1 Adherence to Americans with Disabilities Act of 1990

- a) It is the policy of the City of Maricopa, in accordance with State and Federal Law that there will be no discrimination against a qualified individual with a disability because of the disability of such individual in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation, job training, and other terms, conditions, and privileges of employment.

### 1.5.2 Reasonable Accommodation

- a) The City of Maricopa will make a reasonable accommodation in accordance with state and federal law, to a qualified individual with a disability unless doing so will impose an undue hardship on the operation of the City. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as size, financial resources, and the nature and structure of its City operations.

### 1.5.3 Non-Protection

- a) Employees and applicants currently engaging in the illegal use of drugs or abusing alcohol are not protected by the anti-discriminatory practices of the City of Maricopa. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the ADA's restrictions on medical examinations.
- b) The City of Maricopa will hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees.

## 2: Merit System

<b>Policy Title:</b> Purpose and Introductions		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	2.1

### 2.1.1 Purpose Statement

- a) The purpose of the City of Maricopa Employee Merit System is to ensure that all city employees and job applicants receive rights as prescribed in all sections of the Personnel Policies and Procedures Manual. It will ensure that qualified and competent individuals are attracted to positions with the City of Maricopa, and appointments and promotions within the city service are based on factors such as qualification, work performance, and dedication to serving the residents of Maricopa.
- b) This Merit System is designed to establish a system that ensures no unlawful discrimination be practiced, and that disciplinary action is taken only for a disciplinary reason as defined herein.
- c) The City recognizes the value of the merit system, its roots in the Civil Service Reform Acts, that these Acts have become a model for state and local governments.
- d) The City also recognizes the value and importance of a merit system in supporting its efforts and ability to obtain federal and state grants.
- e) The City recognizes that the use of department based panels in conjunction with the Human Capital Department significantly enhances the recruitment process.

### 2.1.2 Introduction

- a) All human capital-related activities are based on the Merit System policies as defined by the City of Maricopa.
- b) This Merit System applies to City employees in the classified service, not to individuals who perform work for the City on a contractual basis, or those categorized as “unclassified” in accordance with Policy 1.3 of this manual.
- c) Upon approval date, this system will apply to any employee whose hire date predates the adoption of these policies and procedures by the City Council, as well as all subsequent positions and personnel.

### 2.1.3 Merit System 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, with incentives and recognition for excellent performance.
- 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.

## 2: Merit System

<b>Policy Title:</b> Merit Board Organization and Administration		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	2.2

### 2.2.1 Board Function

- a) In performing its purpose, the Board is expected to protect the Merit System and in turn protect employee and applicant rights guaranteed under that system. This protection includes protection against arbitrary and capricious recruitment and supervisory actions, support for recruitment and supervisory actions that are demonstrated to be in proper accordance with the Personnel Policies and Procedures Manual for the City of Maricopa, and approach to these matters without any bias to either supervisors or subordinates.
- b) The Board may comment on any proposed changes to the Merit System as well as all Personnel Policies and Procedures and provide recommendations for improvements.
- c) The Board shall establish procedures consistent with law for the conduct of its hearings.

### 2.2.2 Membership and Composition of Board

- a) The Employee Merit Board shall be made up of three (3) qualified electors residing in the City of Maricopa. Qualifications may be based upon recommendations from the City Manager, Human Resource Director, or designee.
- b) The Board members are appointed by a City Council majority vote and will serve staggered terms of two years per member.
- c) The City Council may remove a Board member for cause at any time other than during an ongoing grievance or appeal process when the removal of a Board member could either positively or negatively affect the outcome of the Board decision.
- d) No member of the Merit Board may at the same time hold any elected office or appointed position in the City of Maricopa, or any paid City of Maricopa municipal position.
- e) The Human Resource Director or designee, as assigned by the City Manager, will serve as Secretary to the Board.
- f) The City Attorney or his designee shall represent the Board.
- g) Up to two (2) Alternates may serve as temporary ad hoc Appeal Hearing Panel members due to the unavailability of two (2) or fewer regular City of Maricopa Merit Board members to serve on a reasonably promptly convened Appeal Hearing Panel. Recruitment for Alternates would be subject to the following limitations:
  - i) The City Council for the City of Maricopa or the City Manager for The City of Maricopa or the City of Maricopa Human Resource Director or designee may at any time and for any reason limit, suspend or terminate recruitment for Alternates to serve as ad hoc members of a duly convened Appeal Hearing Panel.
  - ii) Applicants for service as Alternates shall be subject to the same qualification and appointment criteria and processes as any applicant for membership on the City of Maricopa Employee Merit Board.
  - iii) Duly appointed Alternates shall not be deemed members of the Employee Merit Board, but shall be eligible without preference to participate in any recruitment, application and appointment process as may be authorized to fill any vacancy on the Employee Merit Board.

### 2.2.3 Board Meetings

- a) The Board must meet a minimum of twice annually and when called to service by the acting Secretary.
- b) The twice annual Board meetings will be reserved for discussion, review, and recommendation regarding the need to amend any aspect of the Merit System and Personnel Policies and Procedures.
- c) The Board will hear appeals submitted by Merit employees in relation to: alleged discrimination, dismissal, demotion, disciplinary pay reduction, and suspension of work hours in excess of one pay period. Matters not specifically stated in this rule (i.e. section 2.2.3.c of this manual) cannot be appealed.
- d) All matters to be presented for consideration by the Board at a regular or special meeting shall be placed on the Board's agenda. The agenda shall be delivered (by postal mail or electronic mail) to each member of the Board and a copy provided to each City department for availability to its employees prior to such meeting.
- e) The Human Director or designee will attend all meetings of the Employee Merit Board and submits applicable revisions and amendments to the Personnel Policies and Procedures to the City Council.

## 2: Merit System

<b>Policy Title:</b> Grievance and Appeals Procedure		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	2.3

- f) Minutes. The City Clerk or designee shall provide for the recording of the official actions of the Board in its minutes. The time and place of each meeting of the Board, the members present, official acts of the Board, and when requested, a Board member's dissent and their reasons shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next meeting.

### 2.3.1 Right to Grievances and Appeals

- a) All employees considered Merit employees shall have the right to file a grievance if the employee feels that their rights, benefits, or privileges have been violated or discriminated against in any way. Any Merit employee shall have the right to appeal any grievance response, termination, reprimand, demotion, or suspension except under circumstances where appeal is specifically prohibited under these policies and procedures.

### 2.3.2 Grievance Procedure

- a) All grievances must be submitted in writing to the supervisor or the Human Resource Director within ten (10) business days of the incident in question. Written grievances must include the following elements:
- Detailed description of the incident upon which the grievance is based;
  - Clear indication of improper conduct or discrimination and description of damaged caused to the grievant;
  - Statement of relief sought;
  - The recipient of the written grievance, or who the grievance was transmitted to, must respond in writing within ten (10) working days;
  - If the grievance is not resolved to the employee's satisfaction in the first response, the employee shall within ten (10) business days after receipt of the supervisor or department Director's decision, present the written statement along with a copy of the response to the City Manager for review;
  - The City Manager shall investigate the matter and present to the employee a written decision within ten (10) business days.

### 2.3.3 Appeals to the Merit Board

- a) Exceptions to the process as stated in section 2.3.2 above include instances of receipt of written notice of termination, demotion, disciplinary pay reduction, or suspension of work hours in excess of one pay period. These instances permit a direct request for hearing to the Merit Board.
- b) All appeals shall be in writing and include copies of the decisions of the supervisor or department Director and City Manager. Written appeals shall be presented to the Human Resource Director or designated Board Secretary within ten working days of receipt of response from the City Manager, or receipt of written notice of termination, demotion, disciplinary pay reduction, or suspension of work hours in excess of one pay period.

### 2.3.4 Hearings

- a) Employees are required to have exhausted all internal appeal procedures by following the appropriate chain of command prior to requesting a hearing before the Merit Board.
- b) Request for hearing shall include the reason for appeal, request for hearing, and intent to have/not have legal counsel. If chosen, legal counsel will be at the employee's expense.
- c) Hearings will be held privately in accordance with the provisions of the State of Arizona Open Meeting Act, A.R.S. 8-431, unless the employee demands a public hearing, in which case the demand must be presented in writing at least 10 business days prior to the scheduled hearing date.

## 2: Merit System

<b>Policy Title:</b> Grievance and Appeals Procedure		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	2.3

### 2.3.5 Board Findings

- a) At the conclusion of the hearing, the Board shall determine whether the action appealed was made in good faith for cause.
- b) If the Board finds that the action was not in good faith for cause or was taken for any political, discriminatory or invalid reason, the Board shall make a recommendation to the City Manager to grant the requested relief or the relief that the Board determines to be appropriate..
- c) In all other cases, the Board shall determine what disposition shall be made of the appeal, taking into account the best interest of the City and the employee.
- d) The Board shall reduce its findings into writing which shall be forwarded to the City Manager with a recommendation.
- e) The City Manager shall consider the Board's findings in making a final and binding decision. The Board's decision is not binding on the City Manager who shall make the final decision on the employee's appeal.

### 3: Political Activity

<b>Policy Title:</b> Political Activity		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	3.1

#### 3.1.1 Prohibition of Political Activity

- a) Solicitations are prohibited on City Property.
- b) No employee shall solicit or attempt to solicit support for a candidate or political party involved in a City of Maricopa municipal election from any employee or appointed official. Violations considered to be of a political nature shall be referred directly to the City Manager's Office.
- c) All employees shall avoid improper political activity as prescribed in A.R.S. 41-772.
- d) No employee shall take part in the campaign of a candidate participating in a Maricopa municipal election.
- e) No person employed by the City shall orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any City employee.
- f) No employee of the City shall use any influence or pressure upon a fellow employee to obtain any assessment or contribution of money or time, either directly or indirectly, for any political campaign or personal gain.
- g) No employee of the City shall use or attempt to use any political influence to secure or assist any other employee in securing employment or any employment benefit or advantage.
- h) No paid employee shall use his or her position to sell, solicit, or distribute any campaign material during working hours and/or in a uniform used by or identified with the City government.
- i) No paid employee shall use his or her position to introduce, guide, or recommend any candidate for public office on City property.
- j) Employees shall not publicly support nor condemn a ballot proposition once the call for election has been made by the City Council. Employees shall reserve comments to those that are factual in nature.

#### 3.1.2 Running for Office

- a) No paid employee shall seek election to public office with the City of Maricopa while still employed by the City. Any City employee desiring to run for a City office shall resign from City service prior to filing for such office.
- b) Any City employee desiring to run for county, state or federal office may, in lieu of resignation prior to filing, make a request of the City Manager to take a leave of absence without pay upon filing for said office and if elected, shall resign from the City service. The City Manager may deny the leave of absence without pay if the employee's position is one that a leave of absence would cause undue hardship to the City during that absence.

#### 3.1.3 Voting

- a) No employee shall take part in any election held for the purpose of electing members of the City Council or other elective municipal office of the City of Maricopa except for casting his/her individual ballot.
- b) Employees are encouraged to and may exercise their rights as citizens to vote and to express opinions as individual citizens, but not as a representative of the City of Maricopa.
- c) Employees may exercise their right as citizens to sign petitions during non-work hours and not in uniform.

## 4: Disciplinary Action

<b>Policy Title:</b> Disciplinary Action		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	4.1

### 4.1.1 Causes for Disciplinary Action

- a) Incompetence, inefficiency, repeated tardiness, inattention to, or dereliction of assigned duties and responsibilities;
- b) Dishonesty, insubordination, discourteous treatment of the public, or a fellow employee;
- c) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee on the job or which precludes the employee from properly performing the function and duties of any position under classified service, as defined in Policy 5.6 of this manual;
- d) Conviction of a felony or other criminal offense while employed by the City;
- e) Failure to report to work when so ordered without legitimate reason or failure to report an inability to work due to illness or other reason. Failure to receive prior approval for any paid or unpaid absence, abandonment of position, feigning of sickness or injury, or otherwise deceiving a supervisor as to their condition or ability to perform the duties of the position, or the falsification of any documentation submitted to justify an absence;
- f) Excessive absenteeism or tardiness;
- g) Any unlawful act of discrimination or any act of harassment based on race, color, national origin, religion, sex, handicap, age, creed or veteran status;
- h) Unsafe behavior in relation to himself/herself, other employees, the public, or City property in the performance of duties and responsibilities; or the frequent violation of safety rules or practices; Willful or deliberate abuse and damage of City equipment;
- i) Violation of the City's policies governing outside employment;
- j) Working at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave without prior authorization;
- k) Concealing information or failing to properly report an accident or incident under the purview of any state statute or County resolution or regulation;
- l) Revocation, suspension or loss of certification issued by a governmental or administrative entity or loss of Arizona driving privileges where such certification or privileges are a mandatory requirement for the position;
- m) Use or attempted use of political influence in securing a promotion, leave of absence, transfer, or an increase in pay;
- n) Acceptance of a fee, gift, or other item in the course of performing the duties and responsibilities of their position, if the gift is given in hope of receiving a favor or preferred treatment, or if the gift is given after receipt of the favor or preferred treatment, or if the gift exceeds \$50.00.
- o) Off duty incidents related to public intoxication or fighting.
- p) Any other improper conduct or performance of such severity as to constitute cause for disciplinary action.



## 4: Disciplinary Action

<b>Policy Title:</b> Disciplinary Action		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	4.1

### 4.1.2 Progressive Discipline

1. Administrative Leave: Administrative leave is paid or unpaid temporary separation for disciplinary purposes where the cause may be sufficiently grave for termination, or until such time as an investigation has been made and appropriate discipline is determined. An employee may be put on administrative leave at the discretion of the supervisor with approval of the City Manager. Administrative leave may be made with or without pay for a period not to exceed ten (10) business days. A written statement specifying the reasons for such action shall be furnished to the employee and a copy filed with the Human Resource Director.
2. Verbal Warning: A verbal warning is a spoken notification to an employee regarding job performance or misconduct, and a recommendation to improve. The employee's immediate supervisor is responsible for verbal reprimands, and although this type of discipline is not documented in the employee's personnel file, the supervisor must document the incident for future reference. The employee's immediate supervisor shall note the verbal warning, logging the incident date and the nature of the verbal warning.
3. First Written Warning (a.k.a. Performance Improvement Recommendation): This disciplinary action must outline, in writing, why the employee received the discipline, the improvement required, the method of measurement of that improvement, and the time in which evidence of improvement must manifest itself. This recommendation must be signed by both supervisor and employee as an acknowledgement of receipt, placed in the employee's personnel history file, and a copy given to the employee.
4. Second Written Warning: This disciplinary action will be taken if the desired result is not satisfied as outlined in the First Written Warning and within the time frame specified. Specific instructions as to the consequences of non-correction in either the performance or behavior identified in the First Written Warning will be included, as well as a time frame for review. This recommendation must be signed by both supervisor and employee as an acknowledgement of receipt, placed in the employee's personnel history file, and a copy given to the employee.
5. Third Written Warning and Action Taken: More serious disciplinary action will next be taken as described in the Second Written Warning, including one and any of the following: Demotion, Suspension, and Termination.

#### 4.1.2.d.1 Demotion

- a) A demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct.
- b) An employee demoted for a disciplinary or non-disciplinary reason who fails a demotion evaluation period may be subject to termination in accordance with these policies and procedures.
- c) A written statement specifying the reasons for such action shall be furnished to the employee and a copy filed with the Human Resource Director.
- d) No demotion shall be made unless the employee is qualified for the lower class. A demotion shall not be made if a regular employee would be laid off as a result.

#### 4.1.2.d.2 Suspension

- a) Suspension is temporary separation for disciplinary purposes where the cause is not sufficiently grave for termination, or until such time as an investigation has been made and appropriate discipline is determined.
- b) An employee may be suspended at the discretion of the supervisor with approval of the City Manager.
- c) Suspension may be made without pay for a period not to exceed ten (10) business days.
- d) A written statement specifying the reasons for such action shall be furnished to the employee and a copy filed with the Human Resource Director.

## 4: Disciplinary Action

<b>Policy Title:</b> Disciplinary Action		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	4.1

### 4.1.2.d.3 Termination

- a) This is considered to be a significant disciplinary action and while the disciplinary guidelines for the City of Maricopa are designed to provide employees with adequate notice and opportunity to correct unacceptable behavior, the seriousness of the offense may dictate overriding progressive discipline leading to eventual termination, and serious offenses may lead to immediate termination.
- b) The employee's supervisor shall furnish the employee, Department Director, Human Resource Director, and City Manager (by hand, or by certified or registered mail) with a written statement of their intention to terminate the employee. Included in the written statement shall be specific grounds for the termination, described in detail, as well as the effective date of the termination.
- c) Failure to satisfy minimum standards of conduct and work performance may be sufficient grounds for termination. In addition, termination may occur without prior warning or notice in the following instances:
  - i. The employee has engaged in dishonest conduct, theft or embezzlement of City money or property, or the money or property of others.
  - ii. The employee on City time or on City property has threatened, coerced, intimidated, or struck another employee or person; engaged in a fight or fighting conduct with another employee or person; or has attempted to physically harm another employee or person with malicious intent.
  - iii. The employee was in the possession of firearms, knives or other dangerous weapons or objects while on City time or on City property, where the employee was not authorized to possess such items in the course of their duties.
  - iv. Does not report to work for three or more days in a row without notifying a supervisor or senior employee.
  - v. Conviction of a felony while employed by the City.

### 4.1.3 Appeal from Disciplinary Action

- a) Any permanent employee who is suspended, demoted, or terminated may appeal such action as provided in section 2.3 of the City of Maricopa Merit System.
- b) An employee, regardless of his/her status, may appeal disciplinary action when he/she alleges discrimination as described in Policy 1.4 of this manual.

## 5: Weapons in the Workplace

<b>Policy Title:</b> Weapons in the Workplace		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.1

### 5.1.1 Weapons Restriction

- a) Except for police officers or military personnel acting in an official law enforcement or military capacity, no person (employee or non-employee) may enter any property owned, leased or occupied by the City of Maricopa while in possession of a weapon. Weapons include, but are not limited to, firearms, ammunition, bombs, daggers, and/or knives other than pocket, kitchen or utility knives not used in the performance of job duties.

## 5: Workplace Violence

<b>Policy Title:</b> No Tolerance Workplace Violence		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.2

### 5.2.1 Definition of Workplace Violence

- a) Workplace violence is violence against employees and/or City property, and is committed by persons who may or may not be an employee of the City. Workplace violence may include physical, verbal, or written threats made with the intention to harm, threaten, intimidate or otherwise arouse fear in another person.

### 5.2.2 City Policy against Workplace Violence

- a) Violence in the workplace will not be tolerated by the City of Maricopa. Any employee who commits an act of violence at work against a person or property will face appropriate disciplinary action, ranging from verbal warning (documented) to immediate dismissal, and possibly including legal prosecution if warranted.
- b) Any non-employee who commits an act of violence against a City employee or against City property will be referred to legal authorities for prosecution if appropriate.

### 5.2.3 Procedure in Addressing Violence in the Workplace

- a) Employees will report any act of violence or any threat of violence to their supervisor. All reports of violence or threats of violence will be fully investigated.
- b) Supervisors, managers and/or directors will notify City Law Enforcement of any threatening behavior of employees and non-employees of the City.
- c) The City shall use reasonable legal, managerial, administrative and disciplinary procedures to secure the workplace from violence and to protect employees and members of the public, including encouraging employees to obtain a protective orders against individuals who have caused the employee harm or threatened harm against the employee pursuant to Arizona Revised Statute 12-1810.

## 5: Sexual Harassment Policy

<b>Policy Title:</b> Sexual Harassment Policy		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.3

### 5.3.1 Definition of Sexual Harassment

- a) Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined as in the EEOC Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- b) The City of Maricopa does not condone any working environment that would allow sexual harassment to continue if identified or reported.

### 5.3.2 Types of Sexual Harassment

- a) Visual forms of sexual harassment may include, but not be limited to: obscene or sexually oriented derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, screensavers, pictures, E-mails, or articles of clothing that refers to any protected status or characteristic. This applies to posted materials, material maintained in or on City of Maricopa property or equipment, or personal property in the workplace.
- b) Physical forms of sexual harassment may include, but not be limited to: assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy, or movement when directed at an individual in any sexually related manner. This includes such behaviors as pinching, patting, petting, kissing, fondling, grabbing, making explicit or implied threats or promises in return for submission to physical acts, or any physical contact considered unacceptable by another individual.
- c) Verbal forms of sexual harassment may include, but not be limited to: derogatory comments, innuendos, jokes, sexually oriented comments, propositioning, sexual rumors, stories, or vulgar expressions.
- d) Additional types of sexual harassment creating an intimidating, hostile or offensive working environment may include: pressures or requests for any type of sexual favor accompanied by an implied or negative consequence concerning one's employment status, displaying an intimidating, hostile or offensive attitude because of rejected sexually-oriented demands, requests, physical contacts or attentions, or interfering with a co-worker's performance by exchanging unwanted sexual attentions or sexually-oriented conduct that reduces personal productivity or safety on working time.

### 5.3.3 Victims and Accused

- a) A man, as well as a woman, may be the victim of sexual harassment, and a woman as well as a man may be the accused. Both males and females can be victims of sexual harassment; both males and females can be guilty of sexual harassment. Same-sex harassment may also occur.
- b) The accused may include any individual with whom the employee must associate with in the course of and due to City employment, for example: the supervisor, the agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (e.g., a co-worker), or a non-employee.
- c) The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by such conduct when it is directed toward another person.

## 5: Sexual Harassment Policy

<b>Policy Title:</b> Sexual Harassment Policy		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.3

### 5.3.4 Complaint Procedure

- a) The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the Human Capital Director, or the City Manager before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives identified above.
- b) **IMPORTANT NOTICE TO ALL EMPLOYEES:** Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.
- c) Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.
- d) The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

### 5.3.5 Determination and Action

- a) The City will determine whether such conduct constitutes sexual harassment based on a review of the facts and circumstances of each situation.
- b) If reported conduct is determined to constitute a form of sexual harassment, disciplinary actions will be taken in accordance with Policy 4.7.
- c) Retaliation of any type will not be made for the act of reporting conduct that an individual believes constitutes sexual harassment.

## 5: Drug Free Workplace

<b>Policy Title:</b> Drug Free Workplace		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.4

### 5.4.1 Influence-Free Environment

- a) The City of Maricopa is committed to providing its employees with a safe workplace and an atmosphere conducive to performing job duties. Employees are expected to be in suitable mental and physical condition while at work, performing job duties effectively and safely.
- b) Employees are expected to report to work with no mood altering substances in their bodies.
- c) Whenever use or abuse of any mood altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken.
- d) This policy covers times when employees are on call but not working and times when employees are driving Company vehicles or using Company equipment.
- e) Employees who violate this policy may face disciplinary action, up to and including termination.

### 5.4.2 Specifically Prohibited Behavior

- a) All City employees are prohibited from the following specific types of behavior, including any other behavior which could affect their job performance or the safety of the workplace in any way:
  - i. Appearing at work under the influence of alcohol or illegal drugs;
  - ii. Conducting City business while under the influence of illegal drugs (whether or not the employee is actually on work premises at the time);
  - iii. Using alcohol or illegal drugs on the worksite
  - iv. Possessing, buying, selling, or distributing alcohol or illegal drugs on the worksite or while conducting Company business (whether or not the employee is actually on work premises at the time);
  - v. Misuse of otherwise legal prescription and over-the-counter drugs in a manner that is behavior or safety altering.

### 5.4.3 Drug Testing Policy

- a) A pre-employment drug test is required for all City of Maricopa employees.
- b) The City of Maricopa reserves the right to inspect employees, their possessions, and their workspaces to enforce its policy against illegal drug and alcohol use.
- c) The City of Maricopa may at any time require an employee to submit to drug testing if reasonable cause for suspicion of influence can be demonstrated. When testing is required, the City will pay testing costs and will reimburse employees for any transportation expenses incurred.
- d) Drug testing may occur after any safety incident.
- e) Refusal to submit to drug testing may be grounds for disciplinary action, up to and including termination.

## 5: Tobacco Free Workplace

<b>Policy Title:</b> Tobacco Free Workplace		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	5.5

### 5.5.1 No Tobacco Policy

- a) The City of Maricopa discourages its employees from smoking or using other forms of tobacco, as it is regarded as an unhealthy habit which may distract employees from their duties and be offensive to City Hall visitors and co-workers. In accordance with the Indoor Clean Air Act of 1993, City of Maricopa facilities have been established as a smoke-free workplace.



## 6: Holiday

<b>Policy Title:</b> Holidays		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	Full-Time and Authorized Part-Time Positions	<b>Section No.</b>	6.1

### 6.1.1 Paid Holidays

- a) Full time positions (minimum 40 hours per week) and authorized part-time positions (minimum 30 hours per week) accrue 10 paid holidays and one floating holiday per year. Holidays include:
  - i. President's Day
  - ii. Martin Luther King Day
  - iii. Thanksgiving Day
  - iv. Friday after Thanksgiving
  - v. Christmas Day
  - vi. New Year's Day
  - vii. Independence Day
  - viii. Memorial Day
  - ix. Labor Day
  - x. Veteran's Day
- b) The floating holiday may be used at the employee's discretion but must be done so by the end of the calendar year. Employees are encouraged to observe their floating holiday on a date that can be considered a personal holiday, such as a birthday or date of religious significance. When the date for a floating holiday is chosen by the employee, the date is subject to the approval of a supervisor prior to date of observance.

### 6.1.2 When Holidays Fall On Non-Workdays

- a) If a holiday falls on a non-workday, the City Manager will reserve the closest workday either before or after the actual holiday for its observance.
- b) Staff with non-traditional schedules whose normal day off falls on a paid holiday will be permitted to observe that holiday on another day, preferably in the same pay period, with supervisor approval.

## 6: Vacation

<b>Policy Title:</b> Vacation		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.2

### 6.2.1 Vacation Explanation

- a) Vacations shall be earned and shall be based on length of continuous regular employment.
- b) Seasonal/part-time employees are not entitled to vacations with pay.

### 6.2.2 Vacation Plan

- a) The following is a vacation accrual schedule for all regular full time employees to follow:

Years of Service	Annual Maximum Accrual (Hours)	Annual Maximum Accrual (Days)	Max. Hours Carried Forward From One Calendar Year to the Next
0-3	88 (3.39/pay period)	11	120
3-5	112 (4.31/pay period)	14	160
5-10	144 (5.54/pay period)	18	200
10-15	168 (6.46/pay period)	21	240
15+	192 (7.38/pay period)	24	280

- b) A regular or probationary full-time or benefited part-time employee who separates from City of Maricopa employment by resignation, retirement, layoff, job elimination, or death, shall be paid for all unused vacation leave.
- c) Employees who have in excess of the “maximum hours to be carried forward from one calendar year to the next” on December 31st of each year will be paid for the excess amount of leave after December 31st. In order to be eligible to be paid for this excess amount, the employee must have taken at least one week (40 hours) of vacation during the calendar year.

### 6.2.3 Vacation Requests

- a) After the evaluation period of ninety (90) days, vacation leave may be taken according to accrual schedule.
- b) Requests for vacation time should be made on the appropriate forms designated by the Human Resource Director.
- c) Requests are to be made to the employee's immediate supervisor for approval. The employee's supervisor must provide the Human Resource Director a copy of the approved request form for payroll and scheduling purposes.
- d) Employees who choose to take time off without approval are subject to disciplinary action.

### 6.2.4 Vacation and Termination

- a) Upon termination of employment, the employee may receive pay in lieu of vacation days. The employee shall notify the Human Resource Director to inform him/her of the choice between taking the earned vacation days or pay.

### 6.2.5 Vacation and Illness

- a) In case of sickness, the annual vacation time may be used when any sick leave time has been exhausted.

### 6.2.6 Vacation and Holiday

- a) When a holiday falls during an employee's assigned vacation and the employee is entitled to said holiday, it will

## 6: Sick Leave

<b>Policy Title:</b> Sick Leave		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.3

### 6.3.1 Purpose of Sick Leave

- a) Sick Leave is a fringe benefit to be used only when an employee or a family member of the employee (see section 4.4 of this manual) is stricken with an illness or injury and is applicable to all regular employees only.

### 6.3.2 Accrual of Sick Leave

- a. Full time positions (minimum 40 hours per week) accrue 96 hours of sick leave per year (approximately 3.7 hours per bi-weekly pay period), beginning on the first day of employment.
- b. A maximum of 96 hours of sick leave can be carried over from one year to the next.
- c. A total maximum of 1,440 hours sick leave can be carried over from one year to the next for all Public Safety Personnel Retirement System eligible employees working 56 hrs/week.
- d. A total maximum of 1,040 hours sick leave can be carried over from one year to the next for all Public Safety Personnel Retirement System eligible employees not working 56 hrs/week.
- e. A total maximum of 720 hours sick leave can be carried over from one year to the next for all non-Public Safety Personnel Retirement System eligible employees .

### 6.3.3 Use of Sick Leave

- a) Employees will be entitled to sick leave according to their rate of accrual.
- b) Sick leave is not compensable upon separation from City service.
- c) Sick leave shall not be used:
  - i. Prior to its accrual;
  - ii. Beyond a predetermined date of separation, retirement, job elimination or indefinite layoff;
  - iii. In excess of the employee's scheduled hours of work; or
  - iv. During a temporary layoff or leave without pay, except that an employee may used accrued sick leave during a pregnancy disability leave or family and medical leave (see Section 6.4).
- d) Sick leave may be used for the following purposes:
  - i. Illness or injury of the employee;
  - ii. Medical or dental appointments of the employee;
  - iii. Exposure to contagious disease and possible endangering of others on duty;
  - iv. The employee's incapacity due to pregnancy or childbirth;
  - v. A health condition which requires the presence of the employee for assistance or care, or death of a member of the immediate family of the employee. Such use of sick leave is limited to three (3) days per occurrence. See section 4.4 for definition of family member.

### 6.3.4 Documentation

- a) Notification of sick leave must be noted on the appropriate form and submitted to the employee's immediate supervisor as well as the Human Resource Director.
- b) Medical documentation, to the satisfaction of the City may be required for periods of three or more consecutive absences.
- c) The City of Maricopa reserves the right to require independent medical verification of an employee's inability to work, based on a medical exam by a physician chosen by and paid for by the City of Maricopa.
- d) When proof of illness is required and not provided, the leave will not be charged to sick leave, but at the discretion of the department head may be charged as vacation leave or leave without pay. The employee shall be informed of any action taken.

## 6: Sick Leave

<b>Policy Title:</b> Sick Leave		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.3

### 6.3.5 Approval of Sick Leave without Pay

- a) In the event that an employee has exhausted accumulated sick leave, vacation leave and compensatory time off in covering a period of disability, the employee may apply for sick leave without pay in accordance with the FMLA (see section 6.4 of this manual). Such sick leave without pay must have the written approval of the Department Director and the City Manager.
- b) If such approval is obtained, the Department Director shall take reasonable steps to hold the position for the employee, although it may be filled on a temporary basis until the employee returns from the approved leave.
- c) If the sick leave without pay is not approved or the employee does not return to work following the expiration of such approved leave, the City Manager may terminate the employee.

### 6.3.6 Sick Leave Incentive

- a) Non-exempt employees who use zero sick leave during a single entire calendar year (January 1st through December 31st) shall be eligible to have two days (16 hours) transferred from his/her sick leave balance and transferred to vacation leave for the next fiscal year.
- b) These transfers are not automatic and the employee must request in writing at least 30 days prior that the transfer take place.
- c) Once an employee's rate of vacation time accrual meets or exceeds 21 days per year, he/she is no longer eligible for this incentive.

## 6: Family Medical Leave

<b>Policy Title:</b> Family Medical Leave Act		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.4

### 6.4.1 Family and Medical Leave Act Purpose

- a) The purpose of the Family and Medical Leave Act of 1993 (FMLA) is to balance the demands of the workplace with the needs of families; and to promote the stability and economic security of families while increasing employee loyalty, involvement, and commitment to the operation and goals of the City of Maricopa. In accordance with the Family and Medical Leave Act of 1993 (FMLA), the City will grant job-protected, unpaid family and medical leave to eligible employees for up to 12 weeks per 12 month period calculated from the effective date of the current request, on a "rolling basis".

### 6.4.2 Employees Covered

- a) When the number of City employees meets or exceeds fifty (50), all City employees, full-time and part-time, who have worked for the City for one year and a minimum of 1,250 hours during the 12 months preceding the date for the requested leave are covered under FMLA.
- b) The number of hours worked does not include vacation, sick leave, holidays, compensatory time off, any unpaid leave hours or periods of layoff.
- c) Overtime hours are included in calculating hours worked if the time is considered hours worked under the Fair Labor Standards Act (FLSA).

### 6.4.3 Leave Calculations

- a) If an employee has used FMLA in the last 12 months, the employee may be permitted to use the remainder of the allotment ONLY as long as the FMLA qualifying reason exists.
- b) If both spouses are employed by the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth, placement for adoption, foster care or a child or to care for a sick parent.
- c) The twelve (12) week period of Family and Medical Leave is measured forward from the date the employee is first off work and not whether the leave the employee chooses to use is paid or unpaid.

### 6.4.4 Leave Request Categories

- a) Family Leave: The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care. Leave for this reason shall be taken within the 12-month period following the child's birth or placement with the employee.
- b) Medical Leave: In order to care for a spouse, child or parent if the family member has a serious health condition; the employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.
- c) Paid and Unpaid Leave: At the employee's option, the employee may substitute accrued paid leave for unpaid Family and Medical Leave if they are covered by Short Term Disability pay. If the FMLA leave is due to a serious health condition and the employee is not covered by Short Term Disability pay the employee must use accrued leave in the following order: sick leave, vacation and compensatory time. If the FMLA leave is not due to a serious health condition, the employee must use vacation leave or compensatory time first followed by unpaid leave.

### 6.4.5 Request for Leave Notice and Medical Certification

- a) Employees must provide thirty (30) days advance notice to the Department Director or designee and Human Resource Director when the need for Family and Medical Leave is foreseeable.
- b) The City will require medical certification to support a request due to a serious health condition.

## 6: Family Medical Leave

<b>Policy Title:</b> Family Medical Leave Act		<b>Policy / Revision No.</b>	HC2006.1
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- c) In unexpected or unforeseeable situations, the employee shall provide as much notice as possible and indicate the reason for the late request.
- d) If an employee is incapacitated, a family member or other responsible party may submit the request for leave on behalf of the employee.
- e) Medical information documenting the necessity for the leave shall be submitted within 10 working days of the FMLA leave request and prior to the approval of the leave. Documents may include the following:
  - i. For a request for leave to care for a sick family member or the employee’s own medical condition, a U.S. Department of Labor Certification of Health Care Provider Form WH-380 completed by the employee’s or family member’s health care provider;
  - ii. Medical documentation and/or progress reports, as requested, provided to the Department Director or supervisor who shall forward the document(s) to the Human Resource Director;
  - iii. A medical release to the Department Director or supervisor who shall forward the document to the Human Resource Director before returning to work;
  - iv. If the leave is due to the placement of a child through adoption or foster care, the City Manager may request a copy of a letter from the adoption or foster care agency placing the child in the employee’s care and/or custody or similar document demonstrating the date of placement.

### 6.4.6 Responsibilities of Department Director or Supervisor

- a) Upon Receipt of Request:
  - i. Consult with the Human Resource Director to verify that the employee has been employed and worked the requisite number of hours to be eligible for FMLA;
  - ii. Determine the number of days FMLA leave charged within the previous 12 months calculated from the effective date of the current request.
- b) Within two days of receipt of the request:
  - i. For employees who do not meet the criteria or who have used 12 weeks of FMLA during the 12 months preceding the effective date of the current request, deny the request and return the request to the employee.
  - ii. For requests for leave for adoption or childbirth, forward the request for final approval to the Human Resource Director and return a copy to the employee.
  - iii. For requests for the employee’s own illness or to care for a family member, forward the request and the notification to the Human Resource Director who shall, after the certification is received, verify that the request meets FMLA requirements and forward the request to the City Manager for final approval.

### 6.4.7 Approval of FMLA Leave

- a) After the final signature of acknowledgement by the City Manager has been obtained, the Human Resource Director shall forward a copy of all requests for FMLA to the employee, and notify Payroll and the Department Director or supervisor.
- b) If there is reason to doubt the validity of the employee’s medical certification, the City of Maricopa may schedule the employee for a medical evaluation with a health care provider selected by the City. The City shall pay the costs of said evaluation.

## 6: Family Medical Leave

<b>Policy Title:</b> Family Medical Leave Act		<b>Policy / Revision No.</b>	HC2006.1
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- c) If an employee fails to obtain and return any required documentation to the City Manager within 10 working days, the Human Resource Director shall notify the employee in writing of the omission, and require submission of the documentation. Failure to do so or to request an extension may be subject to disciplinary action up to, and including, dismissal. The provisional approval of the employee's leave may be revoked, and the employee may be deemed absent without authorized leave.

### 6.4.8 Position and Benefit Protection

- a) Upon returning from Family and Medical Leave the employee shall be restored to his/her original or equivalent position at the same pay. The Department Director may hire an individual in a temporary status to replace the employee on FMLA leave.
- b) There will be no benefit accrual during unpaid Family and Medical Leave.
- c) All benefits for which the employee is eligible will resume immediately upon his/her return from Family and Medical Leave.
- d) Insurance Coverage - For the duration of Family and Medical Leave, the City will maintain the employee's medical insurance coverage. If the employee wishes to maintain benefit coverage while on unpaid leave, the employee must pay his/her normal share of any premium.
- e) If an employee fails to make premium payments while on unpaid leave, the City may choose to pay the employee's share of the premium, and deduct that amount from the employee's pay when the employee returns to work. The employee must submit to the City a request in writing for this arrangement, and it is the City's sole discretion as to agree or not agree to this arrangement.
- f) If the employee does not wish to maintain insurance coverage while on Family and Medical Leave, the employee may elect to discontinue coverage for the duration of the leave on a form provided by the City.

### 6.4.9 Use of Paid Leave during FMLA Leave

- a) All available and appropriate paid sick leave, compensatory time balances and vacation leave must be exhausted as part of the 12 week FMLA leave allotment. This applies to both maternity and paternity leave.
- b) Remaining time during the FMLA leave will be treated as an approved leave of absence without pay.
- c) The pay status of an employee on leave must be communicated to the payroll department by the employee's supervisor.

### 6.4.10 Intermittent Leave or Reduced Work Schedule

- a) When medically necessary, an employee may take leave intermittently or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of the employee's own serious health condition.
- b) In accordance with FMLA regulations, an employee on FMLA may be required to use appropriate accrued leave.
- c) Absence without pay shall be approved only when all other applicable leave is exhausted.

### 6.4.11 Non-Return to Service

- a) Employees may obtain current information on their retirement plan's provisions by applying for Long Term Disability directly to their carrier.

## 6: Family Medical Leave

<b>Policy Title:</b> Family Medical Leave Act		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.4

### 6.4.12 Employee Medical Records

- a) Medical records shall be considered confidential.
- b) Department Directors and/or supervisors shall forward all confidential employee medical records to the Human Resource Director, including, but not limited to: FMLA certifications, release to work forms, release of information forms, prognosis or diagnosis statements, functional capacity reports, reasonable accommodation requests and FMLA requests, affidavits of informed consent, reports of industrial injuries, and any other forms as determined by the City Manager.
- c) Staff members shall not discuss other employee's medical conditions except as authorized.
- d) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment.



## 6: Military, Jury, Voting and Bereavement Leave

<b>Policy Title:</b> Authorized Leave		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.5

### 6.5.1 Military Leave

- a) Employees are granted military leave for annual training for a period not to exceed thirty (30) eight (8) hour days in any two (2) consecutive calendar years.
- b) An employee who requests absence with pay on military leave pursuant to A.R.S. 26-168, 26-171 or 38-610 shall submit a copy of the orders for duty with the request for military leave. The amount received from the armed services for active duty will be retained by the employee.
- c) Employees returning from extended military service will be reinstated pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Military leave shall result in no loss of seniority, pay, vacation or other employment rights. Military leave in excess of thirty (30) work days is charged to accrued vacation, by employee choice, or general leave without pay.

### 6.5.2 Witness / Jury Duty

- a) A full-time employee who is subpoenaed as a witness in the performance of their job or a member of a jury will be paid the difference between the employee's salary and any fee received for the days served. The employee also retains any travel pay received.
- b) Benefited part-time employees are eligible for Jury Duty or Witness Leave for scheduled work hours only.
- c) Employees shall notify their supervisors immediately of a subpoena or summons and receive advance approval for court leave.

### 6.5.3 Voting Leave

- a) Employees shall have adequate time to vote. To comply with the Arizona State Law (ARS 16-402), the City of Maricopa shall allow employees paid leave from work for a maximum of two hours when the following conditions are met:
  - i. Eligible employees (those employees who are entitled to vote in an election held pursuant to Title 16 of the Arizona Statutes) are entitled to vote at a primary or general election held within the State of Arizona on the day of election. If so requested, an employee must be able to show proof of being a registered voter.
  - ii. There is less than three (3) consecutive hours between the opening of the polls and the beginning of the employee's regular work shift or less than three (3) consecutive hours between the ending of his or her work shift and the closing of the polls.
  - iii. The employee must obtain approval before the day of election from his or her supervisor.
  - iv. The time off with pay must be used to vote.

## 6: Military, Jury, Voting and Bereavement Leave

<b>Policy Title:</b> Authorized Leave		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	6.5

### 6.5.4 Bereavement Leave

- a) Upon the death of a family member or close relative (see nepotism policy for definition of family member and close relative), all regular employees in an active pay status shall receive up to three (3) working days leave with pay not chargeable to sick or vacation leave.
- b) Two (2) additional days shall be granted for out-of-state travel. Bereavement Leave does not have to be used consecutively.
- c) Upon the death of an immediate family member, all regular employees in an active pay status shall receive five (5) working days leave whether in-state or out-of-state.
- d) The number of hours per day regular employees shall receive is based on the employee’s normal work schedule. Bereavement Leave does not have to be used consecutively.
- e) For the purposes of Bereavement Leave (not to be construed with the definitions in the Nepotism policy) “Immediate” family member is defined as: father, mother, spouse, domestic partner, child (natural, in-law or step), brother, or sister.
- f) The City of Maricopa reserves the right to require proof of death and/or relation to deceased individual before granting paid Bereavement Leave.
- g) Documentation of the death and attendance at the funeral and/or memorial service may be required.

## 7: Benefits and Compensation

<b>Policy Title:</b> Insurance and Retirement Benefits		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	7.1

### 7.1.1 General Benefits

- a) Full time positions (minimum 40 hours per week) accrue 88 hours of vacation leave per year for the first 3 years of service; accruals increase with years of service.
- b) Full time positions (minimum 40 hours per week) accrue 96 hours of sick leave per year.
- c) Full time positions (minimum 40 hours per week) and authorized part time positions (minimum 30 hours per week) accrue 10 paid holidays and one floating holiday per year. Holidays include New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving and Christmas Day.
- d) Education assistance and/or tuition reimbursement for full time positions.

### 7.1.2 Insurance Benefits

- a) Employees are eligible for insurance benefits thirty (30) days after start of employment. Benefits will be effective on the 1st day of the month following this thirty (30) day wait period.
- b) Please see the Human Resource Director or designee for information regarding insurance plans.
- d) Paid employee health, vision, life insurance, AD&D, short and long-term disability benefits for full time positions (minimum 40 hours per week).

### 7.1.3 Retirement Benefits

- a) Retirement Benefits are available to employees in full time positions (minimum 40 hours per week).
- b) City of Maricopa employees may obtain detailed information regarding the Arizona State Retirement System by visiting: [www.asrs.state.az.us](http://www.asrs.state.az.us).
- c) City of Maricopa employees have the option of investing in a 457 plan.

## 8: Separation from Service-Resignation

<b>Policy Title:</b> Resignation		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.1

### 8.1.1 Resignation Procedure

- a) To resign in good standing an employee must provide their direct supervisor as well as the Human Resource Director or designee at least fourteen (14) calendar days prior written notice unless, due to extenuating circumstances, a shorter period of notice is approved by a supervisor. The City Manager shall receive a copy of the resignation along with any other documentation related to the cause of resignation.
- b) Failure to comply with this rule may be cause for denying future employment by the City.
- c) Any permanent employee who resigns in good standing may at the option of the Department Head be reinstated to a position of the same classification if a vacancy exists without further examination.
- d) Resigned employees may withdraw their resignation prior to the termination date with approval of the Department Head.

## 8: Separation from Service-Layoff/Job Elimination

<b>Policy Title:</b> Layoff/Job Elimination		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.2

### 8.2.1 Layoff/Job Elimination Instances

- a) A Layoff/Job Elimination may occur when one or more of the following conditions exist: lack of work or funds, abolition of position, changes in duties, contractual or technological changes, business necessity, or other appropriate reasons as determined by the City Manager.
- b) When it becomes necessary to reduce the City employment without cause on the part of the employee, the City Manager shall determine the number of positions and the position classification series in which the reductions shall take place, taking into account the nature of functions to be performed, public safety and impact on service levels, and merit service.
- c) A minimum of forty-five (45) calendar days notice shall be provided to any employee targeted for Layoff/Job Elimination.
- d) The written notice shall be hand-delivered or sent by certified mail. A copy shall be sent to the Department Head.
- e) The notice shall inform the employee of the effective date of Layoff/Job Elimination and of the pre-Layoff/Job Elimination re-appointment and reinstatement procedures.
- f) Provisional and temporary appointments shall not be filled without first contacting the Human Resource Director in an effort to fill the position by qualifying employees who have been or are scheduled for separation due to reduction in force.

### 8.2.2 Layoff/Job Elimination Determination

- a) When any classification is subject to Layoff/Job Elimination, new provisional or temporary employees in that classification in the same Department shall be terminated before any regular status employee is laid off.
- b) When regular status employees in a classification become subject to Layoff/Job Elimination, the Human Resource Director, Department Director, or designee shall determine which employee(s) shall be laid off based on the performance, conduct, qualifications, seniority, and merit service of all regular status employees in that classification in the same department. The weighing of criteria will be determined by the City Manager.

### 8.2.3 Pre-Layoff/Job Elimination Reappointment

- a) Following receipt of notice of Layoff/Job Elimination, and before effective date of Layoff/Job Elimination, any appointing authority in the City having a vacant position of the same or lower salary grade for which the employee meets the minimum qualifications may consider the employee for a noncompetitive appointment.
- b) If the employee wishes to seek a pre-Layoff/Job Elimination reappointment, the employee shall submit a request in writing to the Human Resource Director or designee specifying the classification of the vacancy, and the department having the vacancy of interest, along with a completed application form.
- c) If the Department Director determines that the employee meets the minimum qualifications for the classification of the vacancy, then the appointing authority shall promptly interview the employee. An offer of reappointment is at the discretion of the Department Director.
- d) A pre-Layoff/Job Elimination reappointment shall be effective on or before the date on which the Layoff/Job Elimination would have been effective, so that a break in service does not occur.
- e) The employee shall retain all accrued sick leave, annual leave, and compensatory time upon pre-Layoff/Job Elimination reappointment.
- f) If the employee subject to Layoff/Job Elimination is offered and accepts a pre-Layoff/Job Elimination reappointment, then the employee forfeits the right to be placed on the Layoff/Job Elimination list.
- g) If the employee is not offered or does not accept an offer of pre-Layoff/Job Elimination reappointment, on or before the effective date of the Layoff/Job Elimination, then the employee shall be laid off or terminated.

## 8: Separation from Service

<b>Policy Title:</b> Layoff/Job Elimination		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.2

### 8.2.4 Pre-Layoff Reappointment Salary Determination

- a) Upon a pre-layoff reappointment, if the employee's current salary falls on a current step in the range of the new position, the employee shall be transferred with no loss in pay.
- b) If the current salary exceeds the range of the new position, the salary shall be set at the maximum of the range of the new position.

### 8.2.5 Layoff List

- a) Names of laid-off employees are kept on a layoff list for two (2) years. Employees rehired from a layoff list, who return to their previously held position or a position in the same class, shall return to their rate of pay at the time they were laid off, with cost of living adjustments being the only factor for adjustment. When a position becomes available, the City will make a reasonable effort to notify employees on a layoff list. However, it is the employee's responsibility to apply for any position the employee did not occupy at the time of their lay-off.

### 8.2.6 Employee Rights

- a) Employees who believe they were selected for lay-off for any reason other than merit service may appeal their selection to the Department Manager or designee, in consultation with the Human Resource Director, within five (5) days of receipt of their lay-off notice.

## 8: Separation from Service

<b>Policy Title:</b> Retirement		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.3

### 8.3.1 Employee Retirement

- a) Employees retiring from the City of Maricopa must be in good standing and have been eligible to receive benefits from one of the City's sponsored retirement plans.
- b) The maximum retirement age is 65 for members of the Public Safety Personnel Retirement Plan. There is no maximum retirement age for members of the Arizona State Retirement System.
- c) Employees retiring from the City must submit written notification to their supervisor at least sixty (60) days prior to the retirement date. The notification shall be forwarded to the Human Resource Director and the City Manager immediately.

## 8: Separation from Service

<b>Policy Title:</b> Dismissal		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.4

### 8.4.1 Terminations for Disciplinary Reason

- a) Dismissal may occur at such time as the Department Director, after consulting with the City Manager, has found an employee to be in violation of any of these policies and procedures.
- b) In accordance with Policy 4.7 of this manual, progressive discipline steps must be taken and documented unless the violation is of a severe enough nature as to warrant a bypass of these procedures.

### 8.4.2 Termination during Initial Evaluation Employment Period

- a) An employee may be terminated without the right of appeal, at any time during the initial evaluation employment period.
- b) The terminated employee may file an appeal in accordance with Policy 2.3.3 of this manual if unlawful discrimination is alleged.

### 8.4.3 Absence without Leave

- a) No employee in the classified service shall absent himself from duty without leave, except in case of extreme emergency.
- b) Failure to report for duty as scheduled, or failure to notify the head of the department or appointing authority of inability to report, or failure to report after a leave of absence has expired or has been revoked or cancelled by the appointing authority, may be deemed an automatic resignation and the position may be declared vacant, unless the employee shall show, to the satisfaction of the appointing authority, that such failure to report was due to sickness or extreme emergency which made reporting impossible.



## 8: Separation from Service

<b>Policy Title:</b> Exit Procedure		<b>Policy / Revision No.</b>	HC2006.1
		<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	<b>Section No.</b>	8.5

### 8.5.1 Affected Employees

- a) The exit procedure will be performed for all full-time and part-time employees separating from the City who were in employment for at least 14 calendar days.

### 8.5.2 Return of City Property

- a) Employees leaving the City service will be held accountable for the return of all City property issued to them during their employment.
- b) All debts to the City must be cleared before the employee's final paycheck may be issued.

### 8.5.3 Authorization for Information Release

- a) Separating employees should be advised that it is the policy of the City of Maricopa not to provide employment references without a signed Release of Information Consent form.
- b) The employee must sign and deliver this form to the Human Resource Director after completion of the exit interview if they wish to use their City employment as a reference.

### 8.5.4 Exit Interview

- a) An exit interview will be scheduled for all employees resigning or retiring from the City service.
- b) The exit is a face-to-face meeting conducted by the employee's immediate supervisor or designee, and attended by the Human Resource Director if requested by the employee.
- c) The meeting should occur on or within 72 hours prior to the employee's last day of employment.
- d) It is through this process that comments, complaints, concerns, and suggestions are compiled which may be used to improve City service and Human Capital in the future.

### 8.5.5 Separation Clearance

- a) A statement signed by the supervisor or designee certifying that the employee has in fact returned all City property issued to them, and settled all City debts, must be submitted to the Human Resource Director along with a copy of any exit interview materials.
- b) Any non-returned items will be noted, and dealt with on a case-by-case basis, with the understanding that property to be replaced will be funded through deduction to the employee's final paycheck. No deductions for replacement may be made unless noted in this signed statement.
- c) A copy of this statement will be provided to the exiting employee.
- d) In accordance with A.R.S. §23-352, a final paycheck will not be issued unless this statement has been completed and submitted. If non-submittal is due to lack of processing by the supervisor or designee, the employee may appeal to the Human Resource Director after the final date of employment for assistance in expediting the process.

## ACKNOWLEDGEMENT

<b>Acknowledgement of Receipt of Personnel Policies and Procedures Manual</b>	<b>Policy / Revision No.</b>	HC2006.1
	<b>Date of this Revision</b>	March 2012
<b>Applicable Personnel:</b>	All Personnel	

I have received my copy of the City's Personnel Policies and Procedures Manual and understand my responsibility to read it and to understand it. If I have questions about its interpretation, I shall contact my supervisor or the City's Human Resource Director.

I UNDERSTAND THAT THIS HANDBOOK IS PROVIDED AS AN INFORMATIONAL GUIDE ONLY AND IS NOT TO BE CONSIDERED A CONTRACT BETWEEN MYSELF AND THE CITY. I FURTHER UNDERSTAND THAT THE CITY RESERVES THE RIGHT TO CHANGE ANY OF ITS POLICIES OR BENEFITS AT ANY TIME WITH OR WITHOUT NOTICE.

I specifically acknowledge my rights and responsibilities to report incidents of any discrimination or sexual harassment, cooperate in any drug testing procedures, resolve employment disputes through the Merit System, and my rights under the Family Medical Leave Act, all as summarized in this manual.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Position