

RESOLUTION NO. 21-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTIONS 1.1, 1.2, 1.3, 1.4, 1.5 AND 5.1 OF THE CITY OF MARICOPA PERSONNEL POLICIES AND PROCEDURES HANDBOOK RELATED TO GENERAL PROVISIONS AND WEAPONS IN THE WORKPLACE.

WHEREAS, the Mayor and Council of the City of Maricopa, Arizona, previously adopted the City of Maricopa Personnel Policies and Procedures, which has been amended from time to time; and

WHEREAS, the Mayor and Council of the City of Maricopa have reviewed Sections 1.1, 1.2, 1.3, 1.4, and 1.5 of the Personnel Policies and Procedures Handbook regarding general provisions related to the purpose of personnel system, disclosure, definitions, anti-discrimination and Americans with Disabilities Act and have determined that such sections should be revised; and

WHEREAS, the Mayor and Council of the City of Maricopa have reviewed Section 5.1 of the Personnel Policies and Procedures Handbook regarding weapons in the workplace and have determined that such section should be revised to be consistent with the City Code.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Maricopa, Arizona, as follows:

Section 1. Sections 1.1, 1.2, 1.3, 1.4 and 1.5 of the City of Maricopa Personnel Policies and Procedures shall be deleted in their entirety and replaced with the following:

1.1.1 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.

1.2.1 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.

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 any time.

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.

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 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.

1.3.2 Classified Service – Merit employees

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.

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 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 forty (40) hours a week. Part-time employees shall not work more than twenty-nine (29) hours per week, or fifty-eight (58) hours biweekly, and under no circumstance shall work more than one hundred-twenty (120) hours in a consecutive four-week period.
- 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 nineteen (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 twelve (12) 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.

1.3.4 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.

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 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. 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.

1.4.3 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.

1.5.1 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.

Section 2. Section 5.1 of the City of Maricopa Personnel Policies and Procedures shall be deleted in its entirety.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 18th day of May, 2021.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney