




Dr. Sylvia M. Lee, Supervisor, District 3

MEMORANDUM

To: Melissa Manriquez, Clerk of the Board
Pima County Board of Supervisors

Date: June 24, 2024

Re: Item for the July 2, 2024 Addendum

From: Dr. Sylvia M. Lee 
District 3 Supervisor
Pima County Board of Supervisors

Please place the following item on the Addendum for the Board of Supervisors meeting on July 2, 2024.

Revisions to Board of Supervisors Policies and Personnel Policy

Discussion/Direction/Action regarding approval of the proposed revisions to the following:

- Board of Supervisors Policy No. D 23.3, Personnel Administration - Classified Service
- Board of Supervisors Policy No. D 23.9, Personnel Administration Classified Service/Unclassified Service Political Affiliation Protection
- Personnel Policy No. 8-119, Rules of Conduct

(District 3)

Thank you.



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

Subject:**PERSONNEL ADMINISTRATION - CLASSIFIED SERVICE****Policy
Number**

D 23.3

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PURPOSE

The purpose of this policy is to comply with the regulations applicable to the standards for a merit system of personnel administration as set forth by the Federal Office of Personnel Management and authorized in the Arizona Revised Statutes.

POLICY

It is the policy of the Board of Supervisors that:

1. Competitive Selection (Employment)

Positions covered by all merit systems will be filled by a competitive process which evaluates candidates on the basis of relative abilities, knowledge, and skills.

2. Equitable and Adequate Pay (Compensation)

Employees will be compensated with due regard to internal and external equity considerations as well as labor market competitiveness factors.

3. Essential Training

Appropriate training opportunities to include on-the-job training will be available to all employees commensurate with the needs of the County and service to the public.

4. Performance-Based Retention

Retention in and separation from County service will be based upon standards of performance designed to provide needed levels of service to the public.

5. Fair Treatment

A formal process/mechanism will be provided for complaint resolution.

6. Political Affiliation Protection

Employees have the right to participate in partisan political activities but those activities cannot influence or interfere with the conduct of official County business or activities.

<u>Subject:</u> PERSONNEL ADMINISTRATION -- CLASSIFIED SERVICE	Policy Number	Page
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~~Notwithstanding this provision,~~ County employees **can** ~~shall not: a)~~ make a political contribution, and/or ~~b)~~ solicit or collect political contributions for any candidates for any elected County office **so long as this occurs outside of County facilities and work hours, and does not utilize County resources.** ~~Nothing in this section shall prohibit Elected County officials from making contributions to political campaigns.~~

Key considerations for the procedures will include, but not be limited to:

1. Profile of the Pima County workforce.
2. Characteristics of the labor market.
3. Salary placement in the market.
4. Balance between benefits and wages.
5. Organizational design and structure of departments.
6. Proportionate distribution of management and non-management positions.
7. Public service staffing ratios.
8. Affirmative action expectations and accomplishments.
9. Retention standards and opportunities for upward mobility.
10. Decentralization vs. centralization of personnel administration.

RESPONSIBLE DEPARTMENTS

1. The Board of Supervisors
2. The County Administrator
3. Human Resources Department
4. All Appointing Authorities

REFERENCES

Ordinance No. 2000-81, 2000;
Title 2 of Pima County Code as amended
Pima County Merit System Rules
Pima County Personnel Policies
Arizona Revised Statutes §11-351, *et seq.*
Board of Supervisors Policy C.2.1 and D.23.9



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

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PERSONNEL ADMINISTRATION -- CLASSIFIED SERVICE

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Key considerations for the procedures will include, but not be limited to:

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Effective Date: October 30, 1990
Revised Date: July 7, 2009



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

Subject: PERSONNEL ADMINISTRATION CLASSIFIED SERVICE / UNCLASSIFIED SERVICE POLITICAL AFFILIATION PROTECTION	Policy Number	Page
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PURPOSE

The purpose of this policy is to comply with the regulations applicable to the standards for a merit system of personnel administration as set forth by the Federal Office of Personnel Management and authorized in the Arizona Revised Statutes.

BACKGROUND

Ordinance 1975-36 which established the Pima County Merit System included a very detailed reference to the protection to which employees were entitled while involved in political activities. As time passed, Pima County became more accustomed to merit system principles and the separation of political activities and employment expectations. In 1984, reference to the political activities was moved from the Ordinance into the body of the Merit System Rules.

On October 30, 1990, Resolution 1990-1992, and Policies C.2.1, D.23.3 and D.23.9 were passed that detailed prohibited Political Contribution Activities. On March 17, 1992, language and minutes of the 1990 meeting were revisited for clarification and the changes are now reflected in Policies C.2.1, D.23.3, and D.23.9 and Resolution 1992-46. Board of Supervisor Policy number D.23.9 includes the addition of "Unclassified Service" to subject heading. On April 17, 1992, the Board requested further clarification to the policies and resolution. The last sentences in the policy language are also added.

POLICY

It is the policy of the Board of Supervisors that:

Employees have the right to participate in partisan political activities, but those activities cannot influence or interfere with the conduct of official County business or activities. ~~Notwithstanding this provision~~ County employees can ~~shall not a)~~ make a political contribution and/or ~~b)~~ solicit or collect political contributions for any candidates for any elected County office so long as this occurs outside of County facilities and work hours, and does not utilize County resources. ~~Nothing in this section shall prohibit Elected County officials from making contributions to political campaigns.~~

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Effective Date: October 30, 1990
Revised Date: July 7, 2009

All County employees must observe the following basic work rule principles:

- A. Observe Personnel Policies and, for classified employees, Merit System Rules.
- B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.
- C. Do not abuse County leave policies, departmental break, rest, or lunch periods.
- D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.
- E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.
- F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.
- G. Follow established safety practices and report any accidents to the supervisor.
- H. Cooperate in keeping the work site clean and sanitary.
- I. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
- J. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.
- K. Be responsive to the citizens of the County at all times while performing any duties which are related to County employment, or whenever representing the County in any capacity.
- L. Prepare all records and reports truthfully and completely.
- M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.
- N. Report to the immediate supervisor all known mistakes, policy violations, or infractions of the Rules of Conduct.
- O. Report to the immediate supervisor any known willful damage, thievery, or unauthorized removal of County property.

- P. Do not engage in physical violence or threats of physical violence with fellow employees and the public.
- Q. Do not use abusive, profane, or obscene language or gestures or display obscene or offensive materials. Materials related to the health field which are determined to be of business necessity are excluded from this Policy.
- R. Do not make slurs and/or remarks concerning race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression or sexual orientation.
- S. Treat all co-workers and general public in a courteous manner.
- T. Report to Human Resources any occurrence of arrest, notification of a pending charge, or conviction, no later than 5:00 p.m. on the next business day.
- U. Follow Pima County Procurement Policy regarding acceptance of gifts.
- V. Do not engage in unethical or illegal behavior with minors who are employed with the County or who participate in any County program or activity.
- W. Do not engage in practical jokes or other activities commonly referred to as 'horseplay'. Horseplay is defined as behavior, essentially without malice, and usually involves, for example, rough, boisterous or rowdy physical interaction such as tripping, grabbing, wrestling, or scuffling and may be inconsistent with ordinary and reasonable common sense safety rules.
- X. Do not misuse County email systems for the purpose of producing, distributing, or forwarding content that:
 - 1. Is discriminatory, harassing, or disruptive which includes, but is not limited to, content that is sexually explicit, derogatory or abusive; threatening images; cartoons, jokes, or inappropriate or profane language;
 - 2. Is demonstrably offensive, regardless of whether or not one or more recipients felt threatened, offended, or otherwise disturbed;
 - 3. Is not County-related business which includes, but is not limited to, chain letters, stories, petitions, warnings, pictures, and/or programs;
 - 4. Is sensitive, private, confidential or privileged which may include, but is not limited, to personnel matters or decisions, grievances and disciplinary actions; or
 - 5. May create the appearance of inappropriate use.

Y. Supervisory responsibilities include:

1. Ensuring that employees are informed regarding changes in County policy and working conditions.
2. Administering Pima County Merit System Rules, Personnel Policies and Administrative Procedures in a fair and equitable manner.
3. Ensuring that the work activity of subordinates is performed in an efficient manner and is of high quality.
4. Monitoring employee conduct for compliance with the Merit System Rules and Personnel Policies.
5. Modeling appropriate workplace behavior.
6. Distributing work in a fair and equitable manner, at the direction of their Appointing Authority.

Z. Prohibited conduct - County employees shall not:

1. Hold financial or personal interests that could negatively impact the interest of the County.
2. Use or attempt to use their official positions or confidential information for financial gain or for personal advantage.
3. Permit themselves to be placed under any kind of personal obligation or allow themselves to be put in any kind of situation which could lead any person to expect official or personal favors.
4. Give preferential treatment to any private organization or individual.
5. Engage in any outside employment as defined in Personnel Policy 8-111 or outside activities, including seeking and negotiating for employment, that conflict with official and assigned County duties and responsibilities.
6. Perform any act in a private capacity which could be considered to be an official act.
7. Accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, service, entertainment, or loan, which may, or may not, appear to be designed to influence the employee's official conduct. Specific provisions of vendor-related gift policies are set out in Board policies and Administrative Procedures.

8. Directly or indirectly use or allow the use of County property of any kind, including property leased by the County, for other than official or assigned duties.
- ~~9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.~~
10. Present to any County worksite, perform any County-related work tasks, or act in any capacity as a representative of the County while impaired by alcohol, marijuana, or any controlled substance, regardless of any valid and legal prescription from a doctor or authorized healthcare provider.
11. Consume alcohol and/or ingest marijuana or drugs as identified in A.R.S. § 23-493, during unpaid or paid meal/breaks, on days they are assigned to and attend work.

All County employees must observe the following basic work rule principles:

- A. Observe Personnel Policies and, for classified employees, Merit System Rules.
- B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.
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- D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.
- E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.
- F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.
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- H. Cooperate in keeping the work site clean and sanitary.
- I. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
- J. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.
- K. Be responsive to the citizens of the County at all times while performing any duties which are related to County employment, or whenever representing the County in any capacity.
- L. Prepare all records and reports truthfully and completely.
- M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.
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3. Permit themselves to be placed under any kind of personal obligation or allow themselves to be put in any kind of situation which could lead any person to expect official or personal favors.
4. Give preferential treatment to any private organization or individual.
5. Engage in any outside employment as defined in Personnel Policy 8-111 or outside activities, including seeking and negotiating for employment, that conflict with official and assigned County duties and responsibilities.
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MEMORANDUM

Date: June 17, 2024

To: The Honorable Supervisor Sylvia Lee
Pima County Board of Supervisor

From: Jan Leshner 
County Administrator

Re: **County Employee Participation in Elections**

On June 11, 2024 you received an email from a constituent, which summarizes some actions previously taken by the Board of Supervisors related to the ability of county employees to run for office while employed by Pima County and to contribute to candidates running for Pima County elected positions. The email also noted that a Pima County contractor had contributed to candidates for Pima County office, perhaps to suggest that the Board may wish to prohibit contributions from Pima County contractors and/or vendors. The constituent asks that you seek a legal opinion from both the County Attorney and the Arizona Attorney General on these topics.

County Employees Running for Office

On July 11, 2023 the Board of Supervisors voted to amend [Personnel Policy 8-108](#) (A) by deleting Candidacy for Elective Office as a reason for which an employee might be placed on unpaid leave and Personnel Policy 8-108 (D) by deleting that section – Candidacy for Elective Office. Prior to this action, an employee was placed on a leave of absence without pay when he or she filed petitions of candidacy for an elective office for which there is monetary compensation. If an employee filed petitions of candidacy for an elective office for which there is not monetary compensation, the Appointing Authority could place the individual on leave of absence without pay if it was determined that the employee's election activities prevent the employee from performing the job or adversely affected the operation of the department.

The removal of those sections of Personnel Policy 8-108 make it possible for a County employee to run for political office without leaving his or her job.

Contributions by Pima County employees to elected Pima County offices

The prohibition of County employees to make political contributions to campaigns for County elected office is found in [Board of Supervisors Policy No. D23-9](#) and [Personnel Policy 8-119 \(Z\)\(9\)](#).

Board of Supervisors Policy D23-9 states, in part, that is the policy of the Board of Supervisors that County employees shall not a) make a political contribution and/or b) solicit or collect political contributions for any candidates for elected County office.

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **County Employee Participation in Elections**
June 17, 2024
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Personnel Policy 8-119 – Rules of Conduct - (Z) lists Prohibited Conduct and notes that employees shall not (9) Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.

On December 17, 2022 Attorney General Mark Brnovich issued an opinion in response to a request from Senator Vince Leach, which opined that Pima County's employment policy prohibiting County employees from making political contributions for any candidate for any elected County office violates the employee's constitutional rights.

In a [January 13, 2021](#) memorandum to the Board of Supervisors, County Administrator Chuck Huckelberry reviewed the history of the prohibition on county employee contributions. The memorandum suggested that the Board had three options.

1. Do nothing. The Board is not required to change policy based on this legal opinion, nor the legal opinion of the County Attorney. The policy is not currently the subject of any legal challenge.
2. Repeal the policies.
3. Change the policies.

At that time, the Board of Supervisors chose to maintain current policies.

In May 2023, Supervisor Heinz proposed amendments to the various Board of Supervisors Policies and Merit System Rules and Personnel Policies that would have allowed County employees to make and/or solicit political contributions for any elected County office. The Board did not amend these policies and rules and the prohibition remains in both Board of Supervisors Policy D23-9 and Personnel Policy 8-119(Z)(9)

Contributions from Consultants, Contractors and Vendors

Pima County's various codes, including the Procurement Code, do not prohibit any person or organization that serves as a consultant, contractor or vendor from contributing to candidates for elective Pima County office. While the Board has received advice from the County Attorney on the two previous issues, she has not been asked to opine on this topic. I'm sure she would be happy to provide an opinion to you and the Board of Supervisors regarding the legality of donations from consultants, contractors and vendors.

JKL/dym

c: The Honorable Chair and Members, Pima County Board of Supervisors
Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Cathy Bohland, Director, Human Resources