



Board of Supervisors Memorandum

June 3, 2014

Revisions to Merit System Rules

Attached are proposed revisions to the Merit System Rules necessitated by the implementation of the Virtual Edge component of the ADP System.

Explanations for these proposed changes are noted below.

1. Merit System Rule 1 - DEFINITIONS

- MSR 1.05 the definition of "Applicant" is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.13 "Certificate of Eligible Applicants" is changed to "Certification" and the definition is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.25 the definition of "County-wide Announcement" is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.31 the definition of "Eligible Applicant" is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.36 the definition of "Internal Application File" is deleted due to Virtual Edge implementation. Subsequent definitions are re-numbered.
- MSR 1.36 the definition of "Intradepartmental Announcement" is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.50 the definition of "Public Announcement" is revised to reflect Virtual Edge applicant tracking language.
- MSR 1.52 the definition of "Public Application File" is deleted due to Virtual Edge implementation.
- MSR 1.60 the definition of "Selective Criteria" is revised to reflect Virtual Edge applicant tracking language.

2. Merit System Rule 4 – SELECTION: RECRUITMENT, ANNOUNCEMENTS AND APPLICATIONS is renamed **SELECTION: RECRUITMENT, APPLICATION PROCESS AND ADMINISTRATIVE REVIEW**

MSR 4.1 B.2 revised to reflect Virtual Edge applicant tracking language.

MSR 4.1 B.3 revised to reflect Virtual Edge applicant tracking language.

MSR 4.2 extensively revised due to Virtual Edge implementation.

MSR 4.4 minor grammatical correction.

3. Merit System 5 – EXAMINATIONS

MSR 5.1 C.2 revised due to Virtual Edge implementation.

MSR 5.1 C.3 revised due to Virtual Edge implementation.

MSR 5.1 C.4 revised due to Virtual Edge implementation.

MSR 5.2 minor grammatical corrections.

MSR 5.4 revised to reflect Virtual Edge applicant tracking language.

4. Merit System Rule 6 - APPLICATION FILES is renamed **RECRUITMENT PROCESS** and extensively revised due to Virtual Edge implementation.

5. Merit System Rule 7 – CERTIFICATION AND APPOINTMENT is extensively revised due to Virtual Edge implementation.

6. Merit System Rule 8 – PROMOTION, DEMOTION, REAPPOINTMENT, OPEN RANGE REAPPOINTMENT, REASSIGNMENT AND DETAIL

MSR 8.1 B revised due to Virtual Edge implementation.

7. Merit System Rule 11 – TERMINATIONS

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Revisions to Merit System Rules**
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MSR 11.4 I revised due to Virtual Edge implementation.

Recommendation

I recommend the Board of Supervisors approve the Merit System Rule modifications outlined above to become effective June 30, 2014, with the Virtual Edge go-live date as determined by Human Resources.

Respectfully submitted,


C.H. Huckelberry
County Administrator

CHH/mjk – May 21, 2014

Attachments

c: Allyn Bulzomi, Director, Human Resources

The following words and terms as used in the Merit System Rules and Personnel Policies shall have the meanings set forth below unless the context requires otherwise:

- 1.01 **ADMINISTRATIVE SUSPENSION**: A non-disciplinary suspension without pay or with reduced pay in the best interest of the County imposed upon an employee who is under investigatory or judicial proceedings.
- 1.02 **ALLOCATION**: The assignment of a classification to a position on the basis of the duties and responsibilities assigned to the position.
- 1.03 **APPEAL**: A request for the Merit System Commission to hear a complaint alleging improper suspension, demotion for disciplinary reasons, reduction in pay for disciplinary reasons, dismissal, or termination under Rule 11.5 B. through D.
- 1.04 **APPELLANT**: A permanent employee who files an appeal with the Merit System Commission.
- 1.05 **APPLICANT**: A person seeking County employment or an employee seeking reappointment, promotion, or demotion within County employment, who has completed and returned, on a timely basis, an official Pima County Application form according to instructions.
- 1.06 **APPOINTING AUTHORITY**: For the purpose of these Rules, Appointing Authorities include the Sheriff, Recorder, Treasurer, Superintendent of Schools, County Attorney, Assessor and others designated by the County Administrator, who have authority to take official personnel actions in accordance with these Rules.
- 1.07 **APPOINTMENT**: The official offer of employment and acceptance by an applicant in accordance with these Rules. The effective date for initial appointments shall be the first actual day of work.
- 1.08 **ARS**: Arizona Revised Statutes.
- 1.09 **ASSIGNMENT PAY**: Any additional compensation above the base salary assigned by an Appointing Authority for specific circumstances to include special assignment pay authorized by the Board of Supervisors pursuant to Personnel Policy 8-102.H. Assignment pay may only be applied while the special circumstances are in effect.
- 1.10 **AUDIT**: A review of the duties and responsibilities of a position in order to determine proper allocation.
- 1.11 **BOARD**: The Pima County Board of Supervisors.

- 1.12 **BUSINESS DAYS**: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.
- 1.13 **CERTIFICATE OF ELIGIBLE APPLICANTS**~~CERTIFICATION: An official list of the most qualified applicants THE PROCESS IN WHICH HUMAN RESOURCES IDENTIFIES/CERTIFIES ELIGIBLE APPLICANTS TO CONTINUE IN THE SELECTION PROCESS~~ for a particular position.
- 1.14 **CLASS SPECIFICATION**: The official document defining the type and level of duties and responsibilities and the minimum qualifications of positions assigned to a particular classification.
- 1.15 **CLASSIFICATION**: A title and code assigned to a grouping of similar positions as described in the appropriate class specification.
- 1.16 **CLASSIFICATION SYSTEM**: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
- 1.17 **CLASSIFIED SERVICE**: County positions included in the Merit System and not exempt from the Merit System as provided in Pima County Code, Chapter 2.24.
- 1.18 **COMMISSION**: The Pima County Merit System Commission.
- 1.19 **COMMISSIONER**: A member of the Pima County Merit System Commission.
- 1.20 **COMPENSATION**: The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee, except reimbursement for necessary expenses which have been authorized and incurred.
- 1.21 **COUNTY**: Pima County Government.
- 1.22 **COUNTY ADMINISTRATOR**: Highest ranking administrator for the Board of Supervisors.
- 1.23 **COUNTY EMPLOYEE**: A person appointed to and currently filling a paid position within the County.
- 1.24 **COUNTY-FUNDED POSITION**: A position funded by legally established recurring revenue to the County.
- 1.25 **COUNTY-WIDE ANNOUNCEMENT**: The official notice to County employees ~~POSTED ON THE COUNTY'S WEBSITE~~ of employment opportunity~~IES~~ in the ~~LIMITED TO~~ County **EMPLOYEES**.

- 1.26 **DEMOTION**: A change in the assignment of an employee from a position in one classification to a position in another classification having a lower starting salary.
- 1.27 **DEPARTMENT**: A County governmental unit which has a separate operating budget approved by the Board.
- 1.28 **DETAIL**: The assignment of an employee to temporary duty which exceeds fifteen (15) work days to a position other than the position to which regularly assigned.
- 1.29 **DISCIPLINARY ACTION**: An action taken only for cause to correct inappropriate performance or other work-related behavior.
- 1.30 **DISMISSAL**: The involuntary termination of a person from County employment for a disciplinary reason. For the purposes of employee appeals pursuant to these Rules, a resignation in lieu of dismissal shall be deemed to be a dismissal.
- 1.31 **ELIGIBLE APPLICANT**: An applicant who ~~meets the minimum qualifications for a specific classification and whose application has been placed in the relevant application file~~ **HAS APPLIED FOR A SPECIFIC EMPLOYMENT OPPORTUNITY POSTED ON THE COUNTY'S WEBSITE, AND WHOSE PREVIOUS WORK EXPERIENCE AND/OR EDUCATION MEET THE ELIGIBILITY REQUIREMENTS FOR THE CLASSIFICATION AS DETERMINED BY THE HUMAN RESOURCES DEPARTMENT.**
- 1.32 **EXEMPT EMPLOYEE**: An employee who is not required to receive overtime compensation under the Fair Labor Standards Act and who is not eligible for overtime compensation pursuant to Personnel Policy 8-102.
- 1.33 **FULL-TIME POSITION**: A position which provides employment for eighty (80) hours per pay period.
- 1.34 **GRIEVANCE**: A complaint alleging misinterpretation, misapplication, or unequal enforcement of Personnel Policies, Merit System Rules, or Administrative Procedures, or alleging unlawful discrimination under County Personnel Policies, Merit System Rules, or Administrative Procedures.
- 1.35 **INTERMITTENT EMPLOYEE**: A person who has been hired into a non-exempt classification for seasonal, on-call, or as-needed employment that does not exceed one thousand forty (1040) paid hours per fiscal year. Intermittent employees include Adult Work Experience Program workers, law clerks, youth workers and employees with the employment type of intermittent.

1.36 **INTERNAL APPLICATION FILE**: The official file containing applications for a specific classification from current employees or employees who have been laid off for less than two (2) years.

1.376 **INTRADEPARTMENTAL ANNOUNCEMENT**: The official notice to employees ~~POSTED ON THE COUNTY'S WEBSITE~~ of a specific department of employment opportunity~~IES LIMITED TO EMPLOYEES~~ in that ~~A SPECIFIC~~ department.

1.387 **LAYOFF**: The conditional termination of a permanent employee due to lack of funds, reduced demand for services, functions or programs, elimination of position, for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or failure to successfully complete promotion, demotion or reappointment probation.

1.398 **MERIT SYSTEM**: The uniform and equitable system of personnel administration under federal guidelines and rules.

1.4039 **NON-EXEMPT EMPLOYEE**: An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 8-102.

1.410 **OPEN RANGE REAPPOINTMENT**: A competitive or non-competitive change in the assignment of an employee from or to a position in a discrete grade to or from a position with an open salary range.

1.421 **OPEN RANGE CLASSIFICATION**: A classification which is not assigned a salary grade but is designated by the Board of Supervisors as having an open salary range. The level of compensation is determined by a Salary Administration Plan approved by the County Administrator.

1.432 **OPEN SALARY RANGE**: A specified salary range.

1.443 **PART-TIME POSITION**: A position which provides employment for less than eighty (80) hours per pay period.

1.454 **PAY PERIOD**: A two (2) week period established by the Finance and Risk Management Department that shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the second (2nd) Saturday thereafter.

1.465 **PERMANENT EMPLOYEE**: A regular employee who has successfully completed initial probation.

1.476 **PRE-LAYOFF REAPPOINTMENT**: The appointment of a County employee who has been notified of layoff, prior to the effective date of layoff, to a classification of the same or lower salary.

- 1.487 **PROBATION**: A specified period of employment following initial appointment, reemployment, reinstatement, reappointment, promotion, or demotion, which is the final step in the examining process during which an employee is evaluated.
- 1.498 **PROBATIONARY EMPLOYEE**: A regular employee serving initial probation who may be terminated without cause and with no right of appeal.
- 1.5049 **PROMOTION**: A change in the assignment of an employee from one classification to another classification having a higher starting salary.
- 1.510 **PUBLIC ANNOUNCEMENT**: The official notice **POSTED ON THE COUNTY'S WEBSITE** to the public of employment opportunity**IES** with the County **OPEN TO THE PUBLIC**.
- 1.52 **PUBLIC APPLICATION FILE**: The official file containing applications of eligible applicants for a specific classification.
- 1.531 **REALLOCATION**: A change in the classification assigned to an existing position.
- 1.542 **REAPPOINTMENT**: A competitive or non-competitive change in the assignment of an employee from one position to another of any classification having the same or lower starting salary.
- 1.553 **REASSIGNMENT**: A competitive or non-competitive change in the assignment of an employee from one position to another of the same classification and salary within the employee's department.
- 1.564 **RECLASSIFICATION**: A change in the classification of an employee when his/her position has been reallocated.
- 1.575 **REEMPLOYMENT**: The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or an appointment following Uniformed Service leave under Personnel Policy 8-103.
- 1.586 **REGULAR EMPLOYEE**: An employee who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.597 **REINSTATEMENT**: The appointment of a laid-off employee to a position of the same classification in the same department from which laid off, or the returning of an employee as ordered by the Merit System Commission.

1.6058 **RESIGNATION IN LIEU OF DISMISSAL:** An employee has been officially dismissed from the County via a formal and final notice of dismissal and the employee requests in writing and is approved to resign instead of being dismissed.

1.6159 **RESPONDENT:** The department or individuals named by the Appellant, whose interests are adverse to those of the Appellant, who will be directly affected by the Commission's decision in an appeal.

1.620 **SELECTIVE CRITERIA:** Key position-specific factors within a classification, such as specialized knowledge and/or experience, or special background or qualifications, or particular geographic area, used to ~~develop a Certificate of Eligible Applicants~~ IDENTIFY/CERTIFY ELIGIBLE APPLICANTS.

1.631 **SENIORITY:** The number of hours of continuous employment with the County.

1.642 **SUSPENSION:** An involuntarily imposed leave without pay or with reduced pay.

1.653 **TEMPORARY EMPLOYEE:** An employee who has been appointed on a full-time, part-time, or variable-time basis for a limited period not exceeding eighteen (18) months.

1.664 **TERMINATION:** Separation of an employee from County employment.

1.675 **TRAINEE:** A new hire or regular employee serving in a trainee program pre-approved by Human Resources for such length of time necessary to meet the minimum qualifications or selective criteria for the training classification within six to twenty-four months from the commencement of the program. Employees who fail to successfully complete an approved trainee program have no right of appeal.

1.686 **VACANT POSITION:** A position currently under recruitment or available to be filled as determined by an Appointing Authority.

1.697 **VARIABLE-TIME POSITION:** A position which provides employment for an as-needed number of hours per work week.

1.7068 **WORK DAY:** Any designated hours within a twenty-four (24) hour period during which an employee is scheduled to work at a prescribed work place or on duty. Holidays are not work days unless the employee is scheduled to work.

1.7169 **WORK PERIOD:** Any established and regularly recurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days.

1.720 WORK RELEASE TIME: Time off work with pay.

1.731 WORK WEEK: All time within a seven (7) day period during which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place, or on duty. Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday.

4.1 RECRUITMENT AND ANNOUNCEMENTS**A. Recruitment**

Recruitment efforts shall be planned and carried out in a manner that ensures open competition. Development and implementation of recruitment plans shall be a cooperative venture between departments and Human Resources and shall be based on projected workforce needs and labor market conditions, as well as the need for recruitment of minorities, women, and other groups where there is under-representation in the County's workforce.

1. Public recruitment: Unless otherwise allowed under these Rules, the County shall use public announcements to recruit for all vacancies.
2. Internal recruitment: If a vacancy exists in a classification less than grade 32, an internal promotional process shall be used. Any other County policy, resolution, other Board action or County program relevant to recruitment shall be included in this internal recruitment process. Positions identified by Human Resources as entry level and hard to fill positions are exempt from this internal recruitment process. For all other vacancies, departments are encouraged to recruit internally when there are a sufficient number of qualified applicants to ensure competition in the classification, as determined by Human Resources.
 - a. County-wide: Recruitment is limited to County employees.
 - b. Intradepartmental: Recruitment is limited to the department having the vacancy.

B. Announcements

1. All announcements shall specify the official classification title, classification code number, salary grade or open salary range, description of work to be performed or where this information may be obtained, the minimum qualifications and any selective criteria, the final date for receipt of applications or statement of continuous recruitment, the nature of the selection process and how to apply.
2. Public announcements shall be by public notice for a minimum of five (5) business days. Continuous announcements shall be open for a minimum of five (5) business days before a ~~Certificate of Eligible Applicants is completed~~ ANY APPLICANTS ARE

CERTIFIED. Copies of public announcements shall be **POSTED ON THE COUNTY'S WEBSITE AND** distributed to County departments and such other individuals and organizations as Human Resources deems appropriate.

3. An internal announcement shall be open for a minimum of five (5) business days and distributed to County departments or the department with the vacancy, as appropriate **POSTED ON THE COUNTY'S WEBSITE.**

4.2 APPLICATION PROCESS

A. Official Forms

All **EMPLOYMENT** applications shall be on forms provided by Human Resources **IN ELECTRONIC FORMAT COMPATIBLE WITH AND PRESCRIBED BY THE COUNTY'S ELECTRONIC APPLICANT TRACKING SYSTEM.**

B. Filing Applications

1. **County employees may submit applications for any classification at any time, except for classifications that are initially evaluated using a scheduled test.**
2. **Applications for other than continuous recruitment classifications must be complete and received at Human Resources or as designated in the announcement on or before the final filing date/time specified. Applications for continuous recruitment classifications may be filed at any time.**
3. **Applicants shall submit such documents or supplemental information as required by Human Resources to verify and evaluate the applicant's qualifications and background.**

B. **EMPLOYMENT APPLICATIONS WILL ONLY BE ACCEPTED WHEN A VALID OPENING HAS BEEN ANNOUNCED AND DURING THE OPENING PERIOD POSTED ON THE COUNTY'S WEBSITE.**

C. Acceptance and/or issuance of an application form **INTO THE COUNTY'S APPLICANT TRACKING SYSTEM shall not be construed as incurring an obligation by the County.**

CD. Disqualification of Applicants

Human Resources may refuse to examine an applicant, or, after the selection process, may disqualify an applicant, remove an application, or refuse to certify an applicant if it is found that the applicant:

1. Does not meet the minimum qualifications established for the classification;
2. Has made a false statement of material fact in the application process;
3. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in County employment;
4. Has directly or indirectly obtained information regarding any examination to which the applicant is not entitled;
5. Has failed to submit the completed application correctly or within the prescribed time limits;
6. Has taken part in the compilation, administration, or any part of the selection process in which he/she is competing;
7. Has previously been dismissed for a disciplinary reason from a position in County employment;
8. Has a record of conviction of a crime, the nature of which would affect the applicant's suitability for employment;
9. Has failed to appear for a scheduled examination or interview;
10. Has failed any phase of the selection process;
11. Has been determined by Human Resources to be unsuitable for employment for any job-related reason;
12. Or otherwise has violated the provisions of the Arizona Revised Statutes (ARS), these Rules, or Pima County Personnel Policies.

4.3 ADMINISTRATIVE REVIEW

- A. At any step in the selection process, within ten (10) business days of receipt of a notice of disqualification, or receipt of notice of selection results, an applicant may request an administrative review. A written request must be submitted to Human Resources, who shall provide a written response within ten (10) business days of receipt of request.
- B. Human Resources may conduct further investigation and provide further response to the applicant as Human Resources deems appropriate.

4.4 ERRORS IN PROCESSING

Human Resources may correct clerical errors and OTHER errors arising from oversight or omission at any time in order to adjust the status of an applicant. Such adjustment shall not, however, invalidate any certification or appointment action already taken.

5.1 PRE-CERTIFICATION PROCESS

A. General Provisions

1. All applicants will be evaluated and scores combined using one or any combination of the following examinations, as defined in the announcement:
 - Oral board interview;
 - Written examination;
 - Performance test; and/or
 - Training and experience.
2. All examinations, evaluations, ratings and other selection processes or items shall be rated impartially.
3. In no case shall admittance to the examination process constitute assurance of a passing rating on any aspect of the examination process.
4. All preference points shall be applied during the pre-certification process.

B. Content and Nature of Examinations

1. Examinations used in the process shall be job-related.
2. Examinations shall be conducted in locations that are accessible to the general public; reasonable accommodation will be afforded to applicants with disabilities.
3. When an oral board examination is used, the process shall be conducted, and applicants rated, by a panel of two (2) or more qualified, impartial individuals, as determined by the Appointing Authority. Panel members shall not include any individual potentially subordinate to the applicant being interviewed. An EEO representative shall be appointed by the Appointing Authority to monitor each oral board examination and immediately report observable violations of rules, policies or statutory compliance to Human Resources.
4. When technical expertise is deemed necessary, as determined by Human Resources and/or the Appointing Authority, subject matter experts may be utilized in the assessment process.

5.1 C. Evaluating Results and Rating Examinations

1. Human Resources shall utilize professionally accepted principles and methods to ensure that examinations meet acceptable standards of validity and reliability.
2. Human Resources shall determine the minimum rating which must be attained by an applicant in order **FOR THE APPLICANT** to be placed in an application file or compete in the next phase of the selection process.
3. The minimum passing score will be given to a laid off employee applying for a position in his/her current classification where minimum qualifications are determined by testing. The employee may take the test to receive a higher test score, but in no event shall he/she be given less than a passing score. The employee will be required to take and pass the examination when applying for a position in a classification other than that **inFROM** which he/she was **workingLAID OFF**.
4. Clerical test scores for County employees will remain valid for a period of ~~two years and six months~~**ONE YEAR**. County employees may retake clerical examinations prior to the expiration of their test scores at a time and date scheduled by the Human Resources Department. Employees retaking clerical examinations are subject to the provisions of 5.1 D.1 below.
5. Human Resources may limit the number of applicants accepted to an examination.

D. Retaking Examinations and Test Security

1. Unless otherwise provided in these Rules, a written test shall not be retaken by an applicant for a period of ninety (90) days from the date of the last examination. In each case of a repeated test, the most recent test score achieved shall be used to determine the eligibility of the applicant.
2. Human Resources shall take precautions as necessary to safeguard the security and confidentiality of examination materials.

5.2 PREFERENCE POINTS

Veteran's preference shall be granted in compliance with federal law and state statute. Disability preference shall be granted in accordance with state law. Native American preference shall be granted in compliance with the Board of Supervisors' Native American Employment Policy. Preference points will be awarded during the pre-certification process to ~~FOR~~ applicants who have received a passing score on an employment application. Preference points allow eligible applicants additional opportunity to be interviewed or otherwise reviewed by the hiring department for an initial appointment and ~~will~~SHALL not ordinarily be used to displace otherwise qualified candidates.

- A. Veteran: Veterans meeting the statutory requirements shall be awarded five (5) preference points.
- B. Spouse or Surviving Spouse: The spouse or surviving spouse of a veteran who meets the statutory requirements shall be awarded five (5) preference points.
- C. Disabled Applicants: Five (5) preference points shall be awarded to disabled applicants if the applicant has substantiated the disability by completing a Pima County Disclosure Form and submitting it with the application.
- D. Disabled Veterans: A total of ten (10) preference points shall be awarded to disabled veterans who meet the statutory requirements and submit the required documentation.
- E. Native Americans: Five (5) preference points shall be awarded to Native Americans who meet the membership requirements of an established tribe and submit the required documentation to show they are recognized as members of that tribe. Native American preference points shall be awarded in addition to veteran's and/or disability preference points.

5.3 INSPECTION OF WRITTEN TESTS

- A. An applicant may compare his/her answer sheet for any written test with the scoring key for the purpose of determining whether the answers were accurately scored. Such inspection shall be under supervision of a Human Resources staff member or authorized representative, with security procedures and at such location as determined by Human Resources.
- B. Any applicant who reviews his/her answer sheet with a score key must wait ninety (90) days from the date of review before retaking a written test where the same test materials are being used.

5.4 FINAL SELECTION EXAMINATIONS

- A. Departments shall conduct interviews and may conduct other examinations for the purpose of making final selection decisions from among **IDENTIFIED/certified eligible** applicants. Such examinations shall be job-related and conducted in accordance with the job announcement and the recruitment plan.
- B. All **IDENTIFIED/certified eligible** applicants shall be offered an opportunity to participate in the departmental selection process.

5.5 RETENTION OF EXAMINATION RECORDS

The department shall keep files of applicants examined, including dates, scores, rankings and other documentation pertaining to the results of the selection process, as required by law.

6.1 MAINTENANCE OF APPLICATION FILERECRUITMENT PROCESS

- A. Human Resources shall be responsible for the establishment and maintenance of application fileTHE RECRUITMENT PROCESS for classifications covered by these Rules.
- B. Applicants who have successfully demonstrated they possess the necessary qualifications shall have their applications maintained on file for that classification for at least six (6) months SEEKING CONSIDERATION FOR ADDITIONAL VACANCIES IN A CLASSIFICATION FOR WHICH THEY HAVE ALREADY APPLIED MUST SUBMIT A NEW APPLICATION TO THE NEW REQUISITION FOR THE VACANT POSITION ONCE IT IS POSTED ON THE COUNTY'S WEBSITE.

6.2 REINSTATEMENT/REEMPLOYMENT

A laid-off County employee shall be eligible for reinstatement and/or reemployment for a period of two (2) years from the effective date of layoff. A written request and completion of an officialEMPLOYMENT application are required in order to be included in the application fileRECRUITMENT PROCESS and rankedIDENTIFIED/CERTIFIED in accordance with Merit System Rule 7.1 A.

6.3 SELECTIVE CERTIFICATION

Human Resources may make a selective certification of eligible applicants from the appropriate application file(s)PREVIOUS RECRUITMENT PROCESSES when the vacant position requires specialized knowledge and/or experience or special background or qualification within the particular classification or within a particular geographic area.

6.4 USE OF RELATED APPLICATION FILESRECRUITMENT PROCESSES

If a vacancy exists in a classification for which few, if any, applications have been received, Human Resources may use a related application file(s)RECRUITMENT PROCESS FOR A SIMILAR CLASSIFICATION. The related OR SIMILAR classification(s) must have minimum qualifications equal to or greater than those of the classification for which the vacancy exists AS DETERMINED BY HUMAN RESOURCES.

6.5 REMOVAL OF APPLICATIONS

- A. Human Resources may remove an application from an application file A RECRUITMENT PROCESS at any time for any of the following reasons:
 1. Any of the reasons specified in Rule 4.2 CD.;

2. The applicant cannot be located, despite reasonable efforts by the department or Human Resources;
3. The applicant has indicated to Human Resources or the department that he/she is no longer interested in a position in that classification, or that he/she is no longer available for appointment;
4. Refusal or rejection by the applicant of an offer of appointment;
5. Failure of the applicant to respond to a reinstatement notice and/or refusal to accept reinstatement;
6. The applicant has accepted an initial or promotional appointment, at which time all applications for classifications of the same or lower grade or open salary range in the same classification family shall be removed;
7. Acceptance of a position by a laid off employee during the reemployment period; the laid off employee's reinstatement application shall remain in the reinstatement application file**RECRUITMENT PROCESS**;
8. For internal County-wide or intradepartmental recruitment, the applicant has been terminated from County employment (i.e., the applicant is no longer a County employee);
9. ~~The elimination of an application file~~**CANCELLATION OF A RECRUITMENT PROCESS** pursuant to Rule 6.6.

B. When an application is removed from an application file**RECRUITMENT PROCESS**, the applicant may request an Administrative Review under Rule 4.3.

6.6 ELIMINATION OF AN APPLICATION FILECANCELLATION OF A RECRUITMENT PROCESS

Human Resources may ~~eliminate an application file~~**CANCEL A RECRUITMENT PROCESS** when the classification **OF A POSITION BEING RECRUITED** is deleted or revised with a significant change to the minimum qualifications, or when a major revision has been made to the written test for that application file**CLASSIFICATION**.

7.1 CERTIFICATION

A. Once a ~~request~~**REQUISITION** is received and recruitment, if required, is complete, Human Resources shall prepare a ~~Certificate of Eligible Applicants~~**IDENTIFY/CERTIFY ELIGIBLE APPLICANTS TO CONTINUE IN THE SELECTION PROCESS**. **ONLY APPLICANTS WHO HAVE BEEN IDENTIFIED/CERTIFIED BY HUMAN RESOURCES WILL BE AUTHORIZED TO PARTICIPATE IN THE SELECTION PROCESS OF THE HIRING DEPARTMENT**.

1. **Reinstatement:** When there are laid-off employees eligible for reinstatement to the requesting department, the ~~Certificate~~ shall contain only the names of those employees who were laid off from that department and who meet the minimum qualifications for that position **WILL BE IDENTIFIED/CERTIFIED**. The department must ~~SHALL~~ appoint from this ~~Certificate~~**THE IDENTIFIED/CERTIFIED APPLICANTS**, unless none of these employees accepts reinstatement.
2. **Reemployment:** If County-wide or intradepartmental recruitment is used, the ~~Certificate~~ shall include **ONLY** the names of employees who have been laid off and who are eligible for reemployment for the classification requested **WILL BE IDENTIFIED/CERTIFIED**.
3. **Rehire:** A qualified permanent status employee, who resigned in good standing in accordance with Merit System Rules from the classification of Corrections Officer, Sheriff's 9-1-1 Dispatcher, or Sheriff's 9-1-1 Call Taker shall be eligible for rehire for a period of one (1) year from the date of separation. A written request and completion of an ~~official~~**EMPLOYMENT** application are required in order to be included on the current ~~Certificate of Eligible Applicants~~**IDENTIFIED/CERTIFIED**.

B. If intradepartmental, County-wide and public recruitment have been requested, a ~~Certificate of Eligible Applicants~~ for each recruitment type ~~may be prepared simultaneously~~**IDENTIFIED/CERTIFIED APPLICANTS MAY BE CATEGORIZED BY THEIR EMPLOYMENT STATUS AND SEPARATE SELECTION PROCESSES SHALL BE INITIATED BY THE HIRING DEPARTMENT**.

C. The ~~Certificate of Eligible~~**IDENTIFIED/CERTIFIED** Applicants for a public recruitment may contain **BOTH** internal and public applicants.

7.2 CERTIFICATE OF ELIGIBLE APPLICANTSTIMELINESS OF SELECTION PROCESS

- A. The Certificate of Eligible Applicants is valid for one (1) month. ~~HIRING DEPARTMENTS HAVE THIRTY (30) CALENDAR DAYS TO CONDUCT SELECTION ACTIVITIES FROM THE LIST OF IDENTIFIED/CERTIFIED APPLICANTS. THE THIRTY (30) DAY PERIOD SHALL BEGIN WHEN THE HIRING DEPARTMENT IS NOTIFIED BY HUMAN RESOURCES OF THE AVAILABILITY OF IDENTIFIED/CERTIFIED APPLICANTS.~~ Human Resources, giving consideration to the geographic area, type of position and other factors, may extend the Certificate ~~TIME PERIOD THAT A HIRING DEPARTMENT MAY CONDUCT SELECTION ACTIVITIES~~ for up to an additional ninety (90) CALENDAR days ~~with concurrence of affected departments~~. The County Administrator may ~~FURTHER~~ extend the Certificate ~~TIME PERIOD FOR CONDUCTING SELECTION ACTIVITIES~~ past the additional ninety (90) days.
- B. A change in an application ~~file shall not~~ ~~APPLICANT'S STATUS OR APPLICATION MAY~~ affect the content of an existing Certificate of Eligible Applicants ~~HIS OR HER IDENTIFICATION/CERTIFICATION AS AN ELIGIBLE APPLICANT~~.

7.3 APPOINTMENTS

- A. Except as otherwise provided in these Rules, all appointments shall be made from a ~~Certificate of Eligible Applicants prepared in accordance with these Rules~~ **THE LIST OF IDENTIFIED/CERTIFIED APPLICANTS AS DETERMINED BY HUMAN RESOURCES**.
- B. A temporary appointment may be made for up to a maximum of eighteen (18) months.
- C. An intermittent appointment shall not exceed one thousand forty (1040) hours worked per fiscal year without prior approval by the County Administrator, for up to a maximum of one thousand four hundred (1400) hours per fiscal year. An intermittent appointment may be continued from year to year without further certification. Intermittent appointments shall be made for non-exempt classifications only.
- D. A reinstatement appointment may be made for a laid-off employee into a position of the same classification in the same department from which laid off, or the return of an employee as ordered by the Merit System Commission.

8.1 PROMOTION

- A. Departments are encouraged to fill all vacancies by promotion.
- B. Promotions shall be competitive and the selection made from a Certificate of Eligible Applicants APPLICANTS WHO HAVE BEEN IDENTIFIED/CERTIFIED BY HUMAN RESOURCES.
- C. Failure of promotion probation may result in layoff.

8.2 DEMOTION**A. Involuntary**

1. An employee who fails to successfully complete promotion probation may be involuntarily demoted to a position with the same classification and to the same salary previously held. The demoted employee shall be placed into his/her previous position if the position is vacant. If the previous position has been filled on a permanent basis, the employee shall be placed into a vacant position in the current department with the same classification and salary previously held. If such a placement action cannot be made, the employee shall be laid off from the classification to which demoted and within the present department. An employee demoted under this section shall have no right of appeal.
2. An employee may be involuntarily demoted for a disciplinary reason in accordance with Rule 12.

B. Voluntary

1. If an employee makes a written request for a voluntary demotion within his/her current department, the Appointing Authority may make the demotion non-competitively if the employee meets the minimum qualifications. An employee demoted under this section shall have no right of appeal.
2. An employee may voluntarily demote through the competitive process. The employee shall have no right of appeal.
3. If an employee sustains a job-related injury or illness which precludes working in the current classification, the Appointing Authority may, upon written request of the employee, grant the employee a demotion non-competitively if the employee meets the minimum qualifications. An employee demoted under this section shall have no right of appeal.

8.3 REAPPOINTMENT

- A. An employee may be offered reappointment competitively within the same department to a position of another classification with the same starting salary as the classification currently held; or to a position in another department of any classification with the same starting salary as the classification currently held.
- B. An employee may be offered reappointment non-competitively within the County system at the discretion of the County Administrator.
- C. At the discretion of the County Administrator, in consultation with Risk Management, an employee may be offered reappointment non-competitively within the County system to a position of the same classification, or another classification with the same or lower starting salary, if the employee has sustained a work-related injury precluding the employee from working in the current assignment. The employee must satisfactorily meet the minimum qualifications and physical requirements, with or without reasonable accommodation, for the reappointment.
- D. The County Administrator may offer an employee a reappointment non-competitively within the County system if Human Resources determines that the employee is a qualified individual with a disability, who is seeking reappointment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.4 OPEN RANGE REAPPOINTMENT

- A. An employee may be offered an open range reappointment competitively from or to a position with a discrete grade to or from a position with an open salary range.
- B. An employee may be offered an open range reappointment non-competitively within the County system at the discretion of the County Administrator.
- C. At the discretion of the County Administrator, in consultation with Risk Management, an employee may be offered an open range reappointment non-competitively within the County system to a position of the same classification, or another classification with the same or lower starting salary, if the employee has sustained a work-related injury precluding the employee from working in the current assignment. The employee must satisfactorily meet the minimum qualifications and physical requirements, with or without reasonable accommodation, for the open range reappointment.

8.4 D. The County Administrator may offer an employee an open range reappointment non-competitively within the County system if Human Resources determines that the employee is a qualified individual with a disability, who is seeking open range reappointment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.5 REASSIGNMENT

- A. An Appointing Authority has the authority to make competitive or non-competitive reassignments within the department.
- B. The County Administrator may offer an employee a reassignment non-competitively if Human Resources determines that the employee is a qualified individual with a disability, who is seeking reassignment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.6 DETAIL

- A. When the services of an employee are needed temporarily for more than fifteen (15) work days in a position other than the position to which regularly assigned, the employee may be non-competitively detailed to that position for a period of up to six (6) months. An Appointing Authority may renew a detail assignment for up to an additional six (6) months with the approval of the Human Resources Director.
- B. An employee is eligible for detail into a non-tested classification only if that employee meets the minimum qualifications of the classification upon detailing or upon completion of the detail assignment. An employee is eligible for detail into a tested classification only if he/she meets the minimum test scores prior to beginning the detail assignment. Temporary and intermittent employees and employees in trainee status are not eligible to serve detail assignments.
- C. A detail assignment may be ended by the Appointing Authority at any time, at which point the employee will be returned to his/her regularly assigned position and salary. An employee whose detail assignment has ended shall have no right of appeal.

8.7 EFFECTIVE DATE

The effective date for actions defined in Rule 8 shall be the first day of the pay period following the County Administrator's approval, unless otherwise addressed in policy or by Board of Supervisors directive. The effective date for actions defined in Rule 8 not requiring County Administrator approval shall be the first day of a pay period.

11.1 RESIGNATION

- A. Written notice of resignation shall be submitted to the Appointing Authority at least ten (10) business days prior to the effective date of the resignation. If written notice is not received, oral notice of resignation becomes effective on the date stated by the employee and must be witnessed and documented by the Appointing Authority or designee. A written confirmation of the resignation shall be sent to the employee within two (2) business days of the employee's oral notification.
- B. In accordance with ARS § 23-1502, if an employee believes that intolerable working conditions exist that compel him/her to resign, in order to preserve the right to bring a constructive discharge claim against the County, the employee must notify the department in writing fifteen (15) calendar days prior to submitting his/her resignation.
 - 1. The department shall investigate the employee's working conditions and submit a written response to the employee within fifteen (15) calendar days after receiving the employee's written communication of alleged intolerable conditions.
 - 2. If the employee rejects the department's response, he/she may proceed with submitting his/her resignation.
- C. A resignation may be withdrawn by an employee, with the written consent of the department, no later than ten (10) business days after the effective date of the resignation.
- D. An employee who is chosen for a County elected position shall resign from regular County employment prior to taking the oath of office.
- E. In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a regular employee inducted, ordered, or enlisted into active service of the uniformed service may resign from County employment and retain all reemployment rights. Pursuant to USERRA, a termination action for the purpose of military service is not considered a "break in service" if the employee has been separated for less than five (5) years.

11.2 DISMISSAL

A dismissal is the involuntary termination of employment for a disciplinary reason as provided in Rule 12.

11.3 TERMINATION DURING INITIAL PROBATION

An employee may be terminated, without the right of appeal, at any time during initial probation. However, the terminated employee may file a grievance in accordance with Merit System Rule 13.3 if unlawful discrimination under County Personnel Policies, Merit System Rules, or Administrative Procedures is alleged.

11.4 LAYOFF

Layoff shall not be used in lieu of discipline.

- A. An employee may be laid off due to reduced demand for services, functions or programs; lack of funds; elimination of position; for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or for failure to successfully complete promotion, demotion or reappointment probation as provided in Merit System Rule 8. An employee laid off under this Rule shall have no right of appeal.
- B. The decision regarding which classification(s) shall be affected by layoff and when layoff shall be effective shall be made by the Appointing Authority. In each instance, based on circumstances within the department, the layoff plan shall state whether or not grant-funded employees shall be grouped with other employees for layoff purposes.
- C. When an Appointing Authority determines that a layoff is necessary, the Appointing Authority shall draft a layoff plan, which, when the layoff is for reasons other than reduced demand for services, functions or programs, lack of funds and/or elimination of position, may be merely an explanation of the grounds for layoff. All layoff plans shall be approved by the County Administrator prior to implementation.
- D. When any classification is subject to layoff, non-permanent status employees in that classification in the same department shall be terminated before any permanent status employee is laid off, unless exempted by the Board of Supervisors. All vacant positions in that classification should be eliminated before laying off any employee in such classification.
- E. When permanent employees in a classification become subject to layoff due to reduced demand for services, functions or programs, lack of funds and/or elimination of position, the Appointing Authority shall determine which employee(s) shall be laid off based on seniority as defined in MSR 1 and qualifications of all permanent employees in that classification in the same department. Seniority is the primary factor, unless exempted by the County Administrator. Qualifications (i.e. knowledge, skills and abilities) are the secondary factor, unless otherwise exempted by the County Administrator.

11.4 F. Human Resources shall notify employees to be laid off, in writing, as soon as possible, but no later than thirty (30) calendar days prior to the effective date of layoff. The written notice shall be hand delivered or sent certified with return receipt and first class mail. The notice shall contain the effective date of layoff, pre-layoff reappointment, reemployment and reinstatement rights, and a copy of the County Administrator approved layoff plan.

G. **Pre-layoff Reappointment:** Prior to the effective date of layoff, an employee subject to layoff may be appointed non-competitively by any Appointing Authority having a vacant position of the same or lower salary grade or open salary range for which the employee meets the minimum qualifications.

1. The salary for pre-layoff reappointment shall be set in the same manner as for entrance salary, Personnel Policy 8-117.
2. The effective date for pre-layoff reappointment shall be before the date on which the layoff would have been effective. The employee shall retain all accrued sick leave, annual leave and compensatory time.
3. An employee who accepts a pre-layoff reappointment shall serve a twelve (12) month probation.
4. An employee who accepts a pre-layoff reappointment retains reinstatement rights.
5. An employee who accepts a temporary or detail assignment, prior to layoff, retains pre-layoff reappointment rights during the assignment and is subject to layoff at the end of the temporary or detail assignment.

H. **Reinstatement:** An employee who is laid off shall be eligible and may apply for reinstatement to the department and the classification from which laid off. The employee shall be eligible for reinstatement for a period of two (2) years from the effective date of layoff.

I. **Reemployment:** An employee who has been laid off may apply for reemployment to any classification by submitting a written **REQUEST AND AN EMPLOYMENT** application and shall be considered a County employee for certification purposes. A laid-off employee shall be eligible for reemployment and shall be considered a County employee for certification purposes for a period of two (2) years from the effective date of layoff. ~~Additional applications may be submitted any time during this period.~~

11.5 TERMINATION FOR OTHER REASONS

- A. Employees on initial probation, temporary employees, intermittent employees, or new hire Pima County Trainee Program employees who have not completed the Trainee Program, may be terminated at any time without cause and with no right of appeal.
- B. Any employee may be terminated pursuant to the Policy on Employment of Relatives, Personnel Policy 8-101.
- C. An employee may be terminated for inability to meet the minimum qualifications, for failure to pass a required background check, or for failure to maintain licensing, certification or other requirements for the position currently held.
- D. An employee may be terminated for failure to return to work from an approved leave of absence without pay.
- E. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.