



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: September 5, 2017

**Title:** Revisions to Merit System Rules and Personnel Policies

### **Introduction/Background:**

Proposed Revisions to Merit System Rules 1, 8, 9, 10, 11, 12 and 13 and Personnel Policies 8-107, 8-108, 8-109, 8-117, 8-119 and 8-122.

### **Discussion:**

#### **Merit System Rule 1 - Definitions**

- MSR 1.09 - Deletes the definition of Assignment Pay, an obsolete term.
  - MSR 1.34 - Adds summer youth and paid interns to the definition of Intermittent Employee.
  - MSR 1.39 - Verbiage added/deleted for clarification.
  - MSR 1.40 - Verbiage added/deleted for clarification.
  - MSR 1.41 - Verbiage added/deleted for clarification.
  - MSR 1.57 - Adds a definition for Regular Classified Employee.
  - MSR 1.61 - Adds a definition for Salary Grade.
  - MSR 1.69 - Adds a definition for Unauthorized Absence.
- Renumbers definitions appropriately.

#### **Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail**

- MSR 8.6 B - Adds unclassified employee to the list of employees not eligible to serve detail assignments.
- MSR 8.7 - Clarifies the effective date for actions resulting from probation failure, aligning language with practice.

#### **Merit System Rule 9 - Classification System**

- MSR 9.5 - Paragraph deleted in its entirety as it is redundant.

#### **Merit System Rule 10 - Probation**

- MSR 10.1 E. - Language added to match practice, clarifying when the notice of probation failure may be issued and clarifying the effective date for actions resulting from probation failure.

#### **Merit System Rule 11 - Terminations**

- MSR 11.5 C. - Verbiage added for clarification.

#### **Merit System Rule 12 - Disciplinary and Other Personnel Actions**

- MSR 12.1.C.13 - Verbiage added regarding use of personal electronic equipment for County business.
- MSR 12.2.A.1. and 2. - Language deleted to comply with State General Records Retention Schedule 20705.

### **Merit System Rule 13 - Grievance System**

MSR 13.2 A.1. and 13.3 A. - Board of Supervisors Policies added to align policy with practice.

### **Personnel Policy 8-107 - Special Leaves of Absence With Pay**

PP 8-107 A. Language added for clarification.  
PP 8-107 E. Language rearranged for clarification.  
PP 8-107 E.2. Language added for clarification.  
PP 8-107 E.5. Language moved to 8-107 E and subsequent subsections renumbered.

### **Personnel Policy 8-108 - Leaves of Absence Without Pay**

PP 8-108 D. Language expanded and detail added for clarification.

### **Personnel Policy 8-109 - Absences Without Leave**

PP 8-109 A. Language added for clarification.  
PP 8-109 B. Termination added to cover corrective action for unclassified employees.

### **Personnel Policy 8-117 - Pay Plan**

PP 8-117 A., C., D., F., H., I., J., K., L., M., N., O., P. - Minor verbiage changes for clarification and consistency.  
PP 8-117 N.1. Paragraph deleted in its entirety as it is redundant and subsections renumbered.  
PP 8-117 R.2. and 3. Language added to match practice, clarifying when the notice of probation failure may be issued and clarifying the effective date for actions resulting from probation failure.  
PP 8-117 R.4. Language added to mirror revisions approved by the Law Enforcement Merit System Council to Law Enforcement Merit System Rule VIII-6, effective June 13, 2017.

### **Personnel Policy 8-119 - Rules of Conduct**

8-119 Z.10. Adds language that employees are prohibited from using private electronic devices or systems for any activity that would become a public record.

### **Personnel Policy 8-122 - Group Insurance**

PP 8-122 A.1. Removes unnecessary language.  
PP 8-122 A.2. Adds language detailing the two (2) benefit premiums paid in full by the County.  
PP 8-122 B.1. Clarifies "eligible employee" and adds requirements defined by the Affordable Care Act (ACA).  
PP 8-122 B.2. Grammatical modification.  
PP 8-122 B.3. Grammatical modification.  
PP 8-122 C.4. Adds details of the 13 week rehire period in alignment with federal guidelines.  
PP 8-122 H. Grammatical correction to language.

### **Conclusion:**

The revisions are required to align policy with practice, provide clarification, remove unnecessary language, and provide grammatical correction to language.

### **Recommendation:**

That the Board of Supervisors approve the Merit System Rule and Personnel Policy modifications as outlined above to become effective upon approval.

**Fiscal Impact:**

None

**Board of Supervisor District:**

1                       2                       3                       4                       5                       All

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Department Director Signature/Date: *M. Spina* 8/10/17

Deputy County Administrator Signature/Date: *John B. ...* 8-15-17

County Administrator Signature/Date: *C. ...* 8/17/17

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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 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.~~
- 1.109 AUDIT: A review of the duties and responsibilities of a position in order to determine proper allocation.
- 1.110 BOARD: The Pima County Board of Supervisors.
- 1.121 BUSINESS DAYS: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.

- 1.132 CERTIFICATION: The process in which Human Resources identifies/certifies eligible applicants to continue in the selection process for a particular position.
- 1.143 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.
- 1.154 CLASSIFICATION: A title and code assigned to a grouping of similar positions as described in the appropriate class specification.
- 1.165 CLASSIFICATION SYSTEM: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
- 1.176 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.
- 1.187 COMMISSION: The Pima County Merit System Commission.
- 1.198 COMMISSIONER: A member of the Pima County Merit System Commission.
- 1.2019 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.
- 1.240 COUNTY: Pima County Government.
- 1.221 COUNTY ADMINISTRATOR: Highest ranking administrator for the Board of Supervisors.
- 1.232 COUNTY EMPLOYEE: A person appointed to and currently filling a paid position within the County.
- 1.243 COUNTY-FUNDED POSITION: A position funded by legally established recurring revenue to the County.
- 1.254 COUNTY-WIDE ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to County employees.
- 1.265 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.
- 1.276 DEPARTMENT: A County governmental unit which has a separate operating budget approved by the Board.

- 1.287 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.
- 1.298 DISCIPLINARY ACTION: An action taken only for cause to correct inappropriate performance or other work-related behavior.
- 1.3029 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.
- 1.340 ELIGIBLE APPLICANT: An applicant who 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.
- 1.321 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.
- 1.332 FULL-TIME POSITION: A position which provides employment for eighty (80) hours per pay period.
- 1.343 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.
- 1.354 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, **SUMMER YOUTH, PAID INTERNS**, and employees with the employment type of intermittent.
- 1.365 INTRADEPARTMENTAL ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to employees in a specific department.
- 1.376 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.
- 1.387 MERIT SYSTEM: The uniform and equitable system of personnel administration under federal guidelines and rules.

- 1.398 NON-EXEMPT EMPLOYEE: An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 8-102.
- 1.4039 OPEN RANGE REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee **IN THE CLASSIFIED SERVICE** from or to a position in a ~~discrete~~ **NUMERIC** grade to or from a position with an open salary range.
- 1.440 OPEN RANGE CLASSIFICATION: A classification **IN THE CLASSIFIED SERVICE** which ~~is not~~ assigned an **ALPHA-NUMERIC** 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/**SALARY MATRIX** approved by the County Administrator.
- 1.421 OPEN SALARY RANGE: **AN ALPHA-NUMERIC** ~~specified salary range~~ **GRADE ASSIGNED TO A CLASSIFICATION IN THE CLASSIFIED SERVICE WITH AN APPROVED SALARY ADMINISTRATION PLAN/SALARY MATRIX.**
- 1.432 PART-TIME POSITION: A position which provides employment for less than eighty (80) hours per pay period.
- 1.443 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 (2<sup>nd</sup>) Saturday thereafter.
- 1.454 PAY STATUS: An employee who is receiving pay based on hours worked, use of annual or sick leave or compensatory time, or paid leaves of absence is considered in pay status.
- 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.
- 1.540 PUBLIC ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities with the County open to the public.

- 1.521 REALLOCATION: A change in the classification assigned to an existing position.
- 1.532 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.
- 1.533 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.
- 1.554 RECLASSIFICATION: A change in the classification of an employee when his/her position has been reallocated.
- 1.565 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.
- 1.576 REGULAR EMPLOYEE: An employee who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.57 **REGULAR CLASSIFIED EMPLOYEE: AN EMPLOYEE IN THE CLASSIFIED SERVICE WHO IS EMPLOYED FULL-TIME, PART-TIME, OR VARIABLE-TIME ON A CONTINUOUS AND CONTINUING BASIS.**
- 1.58 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.
- 1.59 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.
- 1.60 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.
- 1.61 **SALARY GRADE: EITHER A NUMERIC GRADE (E.G., 22, 32, 64 ETC.) OR ALPHA-NUMERIC GRADE (E.G., M1, A2, P1 ETC.) WITH AN ESTABLISHED SALARY RANGE MINIMUM AND SALARY RANGE MAXIMUM.**
- 1.642 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 identify/certify eligible applicants.



- 1.623 SENIORITY: The number of hours of continuous employment with the County.
- 1.634 SUSPENSION: An involuntarily imposed leave without pay or with reduced pay.
- 1.645 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.
- 1.656 TERMINATION: Separation of an employee from County employment.
- 1.667 TERMINATION DATE: Day following the last day of County employment.
- 1.678 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.
- 1.69 **UNAUTHORIZED ABSENCE: ANY ABSENCE OR UNSCHEDULED TIME OFF FROM WORK WHERE ESTABLISHED NOTIFICATION REQUIREMENTS ARE DISREGARDED BY THE EMPLOYEE OR AUTHORIZATION WAS SOUGHT AND REASONABLY DENIED. THE EXCEPTION WOULD BE IF THE EMPLOYEE RETROACTIVELY APPLIES SICK LEAVE TO THE ABSENCE.**
- 1.6870 VACANT POSITION: A position currently under recruitment or available to be filled as determined by an Appointing Authority.
- 1.6971 VARIABLE-TIME POSITION: A position which provides employment for an as-needed number of hours per work week.
- 1.702 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.
- 1.743 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.
- 1.724 WORK RELEASE TIME: Time off work with pay.
- 1.735 WORK SCHEDULE: Time(s) an employee is scheduled to work within the work week and pay period consisting of five (5) eight (8) hour shifts, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.

- 1.746 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.

8.1 PROMOTION

- A. Departments are encouraged to fill all vacancies by promotion.
- B. An employee serving initial probation shall be eligible to apply for promotion only within the current department, and only after successful completion of six months of initial probation, except that Pima County Corrections Officers serving initial probation shall be eligible to apply for Deputy Sheriff at any point during initial probation.
- C. Promotions shall be competitive and the selection made from applicants who have been identified/certified by Human Resources.
- D. Failure of promotion probation may result in involuntary demotion or layoff of a permanent employee.

8.2 DEMOTION

A. Involuntary

- 1. A permanent 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.
- 2. An employee serving initial probation who promotes within the same department and who subsequently fails to successfully complete promotion probation, may be involuntarily demoted to his/her previous position if the position is vacant. If the previous position has been filled on a permanent basis, the employee may 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 terminated for failure to successfully complete initial probation.
- 3. A Corrections Officer who promotes and is appointed to serve as a Deputy Sheriff while on initial probation and who subsequently fails to successfully complete initial probation as a Deputy Sheriff, shall be involuntarily demoted to Corrections Officer with the same salary previously held as a Corrections Officer, or may be terminated for failure to successfully complete initial probation.

4. An employee demoted or terminated under this section shall have no right of appeal.
5. 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. An employee serving initial probation shall be eligible to apply for voluntary demotion only after successful completion of initial probation. 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. An employee serving initial probation shall be eligible to apply for reappointment only within the current department and only after successful completion of six months of initial probation.
- 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.

**RULE 8 - PROMOTION, DEMOTION, REAPPOINTMENT,  
OPEN RANGE REAPPOINTMENT,  
REASSIGNMENT AND DETAIL**Effective Date:

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- 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. An employee serving initial probation shall be eligible to apply for open range reappointment only within the current department and only after successful completion of six months of initial probation.
- 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.
- 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. **UNCLASSIFIED**, 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.~~

The effective date for actions defined in Rule 8 **REQUIRING** shall be the first day of the pay period following the County Administrator's approval; **SHALL BE THE FIRST DAY OF THE FOLLOWING PAY PERIOD** 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, **UNLESS OTHERWISE ADDRESSED IN POLICY.**

**THE EFFECTIVE DATE FOR ACTIONS RESULTING FROM PROBATION FAILURE, TO INCLUDE, BUT NOT LIMITED TO INVOLUNTARY DEMOTION, SHALL BE THE DATE OF SERVICE OF NOTICE OF PROBATION FAILURE TO THE EMPLOYEE.**

9.1 NATURE OF CLASSIFICATION SYSTEM

The Classification System, as approved and adopted by the Board of Supervisors, shall include for each classification an appropriate title and classification code, which shall be used in all financial and personnel documents. Human Resources shall maintain the official class specifications in the Classification System. The Board of Supervisors may establish new classifications and divide, combine, alter, or eliminate existing classifications based upon the recommendation of Human Resources. Human Resources may revise a class specification as necessary.

9.2 CLASS SPECIFICATIONS

Class specifications are descriptive and explanatory and are not restrictive. The language of class specifications is not all inclusive and shall not be construed as limiting or modifying the ability which Appointing Authorities have to add or delete duties and responsibilities, so long as such changes fall within the general guidelines of the classification involved. Changes in the duties and responsibilities of an employee which are not within the general guidelines of the classification must be reported to Human Resources by the Appointing Authority.

9.3 POSITION ALLOCATION

Every position in the classified service shall be assigned to an appropriate classification by Human Resources, after consultation with the Appointing Authority.

- A. The assignment of a classification to a position shall be determined by the duties and responsibilities of the position. Positions shall be assigned the same classification if they meet the following requirements:
  - 1. Sufficient similarity with respect to duties and responsibilities;
  - 2. Substantially the same requirements as to training and experience, knowledge and ability;
  - 3. Substantially the same test of fitness; and
  - 4. The same schedule of compensation.
- B. The Appointing Authority is responsible for ensuring that employee work assignments fall within class specifications.

- 9.3 C. A permanent employee may file a written request with the department for a determination of whether the duties and responsibilities currently performed by the employee fall within the assigned classification.
1. Within ten (10) business days of receipt of request, the department shall provide a written response indicating action to be taken.
  2. Either the employee or the department may subsequently file a request with Human Resources for an official position audit.
  3. Within ten (10) business days of receipt of request, Human Resources shall provide a written response indicating action to be taken.
  4. Human Resources may conduct an official position audit and provide further response as Human Resources deems appropriate.
  5. Human Resources shall determine whether to reallocate a position. Approval of the County Administrator is required if the reallocation results in a classification of a higher salary grade or open salary range. If the reallocation requires allocation of additional funds, approval of the Board of Supervisors is required.

9.4 EFFECTIVE DATE

The effective date of all classification and related compensation actions shall be the first day of the pay period following County Administrator approval, unless otherwise specified. Retroactive compensation requires specific approval by the County Administrator and the Board of Supervisors.

~~9.5 OPEN RANGE CLASSIFICATIONS~~

~~Human Resources shall be authorized to develop proposals for open range classifications. The proposal shall include procedures governing the following: recruitment, selection, retention, promotion, compensation and performance evaluation of incumbents, as well as the fiscal impact. The Board of Supervisors shall approve open range classifications prior to implementation.~~



10.1 GENERAL PROVISIONS

- A. Probation within County employment shall be for a period of twelve (12) months, except the promotion probationary period shall be six (6) months, and may not be extended but may be adjusted in accordance with 10.1.B below.
- B. If an employee uses more than eighty (80) consecutive working hours of leave, is placed on leave, or is placed on restricted or limited duty status due to a work related or non-work related injury during any period of probation, the probation shall be adjusted for a period equal to the number of hours of leave used or the number of days on restricted or limited duty.

If a Corrections Officer who is serving initial probation promotes and is appointed to serve as a Deputy Sheriff, initial probation as a Corrections Officer shall be suspended. If a Corrections Officer so appointed is involuntarily demoted for failure to successfully complete initial probation as a Deputy Sheriff, initial probation as a Corrections Officer shall be resumed and adjusted to omit time served as a Deputy Sheriff.

- C. Initial probation for Sheriff's 9-1-1 Dispatchers shall be eighteen (18) months and subject to adjustment pursuant to paragraph B. above.
- D. Trainee Program

New hires and unclassified employees hired under the provisions of the Pima County Trainee Program who are non-competitively transitioned into the full performance classification shall serve twelve (12) months initial probation. Regular employees who were serving initial appointment probation prior to becoming a trainee will be required to complete their suspended initial appointment probation period upon transition into the position.

- E. An employee who fails any type of probation or the Trainee Program has no right of appeal.

**NOTICE OF PROBATION FAILURE MAY BE ISSUED AT ANY TIME DURING THE PROBATIONARY PERIOD.**

**EMPLOYMENT ACTIONS RESULTING FROM PROBATION FAILURE, TO INCLUDE, BUT NOT LIMITED TO, INVOLUNTARY DEMOTION, SHALL BE EFFECTIVE THE DATE OF SERVICE OF NOTICE TO THE EMPLOYEE.**

10.2 TYPES OF PROBATION

- A. Initial Appointment

An employee shall serve probation following initial appointment as a regular employee. Upon completion of initial probation, the employee shall automatically achieve permanent status in County employment, unless otherwise notified in writing, prior to the end of probation, by the Appointing Authority.

10.2 B. Promotion

1. An employee who is promoted shall be required to serve promotion probation.
2. The permanent status of an employee shall not be affected by serving promotion probation, and the employee shall be eligible for any other type of action during this period.
3. A promoted employee who fails promotion probation shall be subject to involuntary demotion, except that an employee serving initial probation who promotes within the same department and who fails promotion probation may be terminated for failure to successfully complete initial probation.

C. Demotion

1. A demoted employee may be required to serve probation in the position to which demoted.
2. The permanent status of an employee shall not be affected by serving demotion probation, except that an employee demoted for a disciplinary reason who fails demotion probation shall be dismissed.
3. A permanent employee demoted for a non-disciplinary reason who fails demotion probation shall be laid off from the present position to which demoted. In such circumstances the laid-off employee is not eligible for reinstatement to the position from which laid off.

D. Reemployment

Any laid-off employee who is reemployed shall be required to serve initial probation and shall not become permanent until probation is successfully completed.

E. Reinstatement

1. Any laid-off employee who is reinstated shall regain permanent status and may be required to serve probation pursuant to Section 10.1 A. of this Policy.

2. A reinstated employee who fails reinstatement probation shall be eligible for reinstatement for the duration of the reinstatement period. The employee shall be eligible and may be considered for reinstatement to another position in the same classification within the same department.

- 10.2 E. 3. A terminated employee reinstated by order of the Merit System Commission shall not be required to serve probation.

F. Reappointment/Open Range Reappointment

1. A reappointed employee may be required to serve probation in the position to which reappointed.
2. The permanent status of the employee shall not be affected by serving reappointment probation, and the employee shall be eligible for any other type of action during this period.
3. A reappointed employee who fails to successfully complete reappointment probation may return to a position with the same classification and to the same salary previously held.
  - a. If such a vacant position exists in the employee's present department, the Appointing Authority may place the employee in that position and may require the employee to serve probation. Failure to complete this probation shall result in layoff.
  - b. If no such vacancy exists in the present department, the previous department, if applicable, may place the employee in his/her previous position if vacant.
  - c. If no placement action is made, the employee shall be laid off from the classification previously held and within the present department, except that an employee serving initial probation who is reappointed within the same department and who fails reappointment probation may be terminated for failure to successfully complete initial probation.

G. Rehire

A rehired employee who was formerly a permanent status Corrections Officer, Sheriff's 9-1-1 Call Taker or Sheriff's 9-1-1 Dispatcher who resigned in good standing as provided for in these Rules shall serve a probation period as provided in Section 10.1 A. above.

10.3 PROBATION PERIOD CREDIT

Probation period credit shall be granted only for continuous service in the classification to which appointed. In no case shall the probation period credit received exceed the number of hours worked in that classification.

10.3 A. Detail

When an employee is detailed into a position of a higher classification, the time served may be applied to the required promotion probation upon a competitive appointment into that position.

B. Temporary

When a temporary employee is competitively appointed as a regular employee, any portion of service in the same classification may be applied to the required initial probation if no break in service results from the change of status.

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. If the request and/or approval occur after the effective date of the resignation, it shall be considered a break in service and the employee's new date of hire will be the first day he/she returns to County employment.
  
- 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.

- 11.4 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.
- 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.

11.4 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.

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 **OBTAIN AND/OR** 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.
- F. An employee who fails to submit a resignation notice in a timely manner as required by Personnel Policy 8-108 C. shall be terminated after the County has been notified that the employee has been awarded long term disability.



12.1 GENERAL PROVISIONS

A. Disciplinary Action

A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

B. Pre-action Meetings

Before a permanent employee is suspended, demoted for disciplinary reasons, reduced in pay for disciplinary reasons, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Rule 11.5 B. through D., a pre-action meeting shall be held. The affected employee shall receive written notice of the charges, an explanation of the department's evidence and an opportunity to address a department representative concerning the charges.

1. The pre-action meeting shall be held at a time when the employee is reasonably able to attend, with due notice, and prior to the effective date of the action.
2. Any relevant information presented by the employee regarding the proposed action shall be considered. The department representative will make a recommendation to the Appointing Authority to support, modify, or revoke the proposed action. If the recommendation and final action are adverse to the employee, the employee may appeal the action using the appeals procedure specified in Merit System Rule 14.
3. When a department determines that an employee should be out of the workplace while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to Personnel Policy 8-107.

C. Any of the Following Constitute Cause for Discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;
2. Incompetence;

3. Inefficiency;
4. Neglect of duty;
5. Insubordination, including, but not limited to, conduct which is unruly;
6. Dishonesty;
7. Possessing, dispensing, or being under the influence of alcohol, or any unlawful controlled substance such as a narcotic, barbiturate, marijuana, methamphetamine, or a tranquilizing or hallucinogenic drug, while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties. Under the influence of alcohol means either obvious impairment due to alcohol or a test result reflecting a blood alcohol content of .04 or greater;
8. Absence without leave without reasonable cause;
9. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
10. Discourteous treatment of the public;
11. Willful disobedience, i.e. a specific violation of a command or prohibition;
12. Engaging in prohibited political activity;
13. Misuse of County computers, County internet access, County email systems, or any other County electronic communication devices; **AND/OR USING A PERSONAL ELECTRONIC DEVICE FOR ANY OFFICIAL COUNTY BUSINESS FOR THE PURPOSE OF AVOIDING THE CREATION OF A PUBLIC RECORD;**
14. Misuse of any County property and/or systems;
15. Seeking to obtain financial, sexual, or political benefit from another employee with or without his/her consent, induced by wrongful use of force or fear, or under color of official right;
16. Violation of the Rules of Conduct, Personnel Policy 8-119;

17. Failure to satisfactorily perform job duties and responsibilities;
18. Failure to maintain minimum qualifications for the position;
19. Any other improper conduct or performance, which constitutes cause for disciplinary action.

## 12.2 TYPES OF DISCIPLINARY ACTIONS

### A. Informal Discipline

#### 1. Verbal Counseling

A supervisor may engage in verbal counseling with a permanent employee at any time for problem resolution. If the verbal counseling is documented, a copy of the documentation, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. ~~and shall be automatically purged one (1) year from the date of the verbal counseling, unless an earlier removal is authorized by the Appointing Authority.~~ Verbal counseling is neither grievable nor appealable.

#### 2. Letter of Counseling

An Appointing Authority or designee may issue a Letter of Counseling to a permanent employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. ~~and shall be automatically purged one (1) year from the date of issuance, unless an earlier removal is authorized by the Appointing Authority.~~ A Letter of Counseling is neither grievable nor appealable.

### B. Formal Discipline

#### 1. Letter of Reprimand

An Appointing Authority or designee may issue a Letter of Reprimand to a permanent employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be

identified as a Letter of Reprimand. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt. Copies of the Letter of Reprimand, with the employee's acknowledgement of receipt, shall be placed in the employee's department personnel file and filed with Human Resources.

B. 2. Suspension

- a. Suspension is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time in full day increments.
- b. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.
- c. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources and the Clerk of the Board.

3. Demotion

- 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. An Appointing Authority or designee may demote a permanent employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification.
- b. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the demotion to the Merit System Commission within ten (10) calendar days of receipt of notice.

- c. The Notice of Demotion must be delivered to the employee prior to or no later than the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with Human Resources and the Clerk of the Board.
4. Dismissal
  - a. Dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious incidents or repetitions of improper performance or conduct. An Appointing Authority may dismiss a permanent employee for a disciplinary reason.
  - b. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Merit System Commission within ten (10) calendar days of receipt of notice.
  - c. The Notice of Dismissal must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Dismissal shall be filed with Human Resources and the Clerk of the Board.

### 12.3 ADMINISTRATIVE SUSPENSION

An Appointing Authority may impose a non-disciplinary suspension without pay or with reduced pay when a permanent employee is charged with a felony or other crime involving moral turpitude, or when it is deemed to be in the best interest of the County while an inquiry is being made into the conduct of the employee.

- A. Permanent employees may be placed on administrative suspension for any appropriate length of time in full day increments. Exempt permanent employees may be placed on administrative suspension only without pay.
- B. The Notice of Administrative Suspension shall contain the specific reason(s) for the administrative suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the administrative suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.

- C. The Notice of Administrative Suspension must be delivered to the employee prior to or no later than the effective date of the Administrative Suspension. The date of receipt must be documented. Copies of the Notice of Administrative Suspension shall be filed with the Clerk of the Board and Human Resources for placement in the employee's official personnel file.
- D. The pre-action meeting shall be held upon reasonable notice to the employee and at a time when the employee is reasonably able to attend.
- E. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.
- F. At the conclusion of the administrative suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.

#### 12.4 SPECIAL OBSERVATION PERIOD

An Appointing Authority or designee may place a permanent employee on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. A Special Observation Period is a non-disciplinary action and may or may not be issued in conjunction with a disciplinary action. The Notice of Special Observation Period shall be separate from any accompanying disciplinary action documentation.

- A. The Notice of Special Observation Period shall be provided to the employee in writing upon the effective date, and shall specify the conduct involved, the purpose of the observation period and the length of the period. Copies of the Notice of Special Observation Period shall be placed in the employee's department personnel file and filed with Human Resources for placement in the employee's official personnel file.
- B. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) being monitored. Copies of the report shall be placed in the employee's department personnel file and filed with Human Resources.
- C. Unsatisfactory performance or conduct during the Special Observation Period may result in disciplinary action taken during the Special Observation Period. Unsuccessful completion of the Special Observation Period may result in disciplinary action taken at the end of the Special Observation Period.

#### 12.5 EFFECTIVE DATE

The demotion, administrative suspension, suspension, or dismissal for a disciplinary reason shall be effective on the date stated in the notice. The effective date of the action shall not be altered by the employee exercising the right of appeal.

#### 12.6 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a willing person of the employee's choosing in a meeting where a Letter of Reprimand is being issued to the employee and at pre-action meetings held prior to issuance of disciplinary actions. The employee's assistant may speak on behalf of the employee and participate in the discussions with the employee during such meetings. The employee shall be given at least three (3) full work days notice of the pre-action meeting or a meeting where a Letter of Reprimand is being issued. If the employee has not obtained an assistant within that period of time, management may proceed without further delay.

13.1 GENERAL PROVISIONS

- A. An informal resolution to a complaint or problem is the most appropriate manner of resolution. Departments shall attempt and employees are encouraged to resolve disputes through informal means, including the County mediation process, Personnel Policy 8-115.
- B. Except for grievances pertaining to Letters of Reprimand and allegations of sexual harassment or workplace harassment, prior to filing a formal grievance, an employee must attempt to use the County mediation process within ten (10) business days of the date the grievant knew or should have known of the grievable incident(s). If mediation is not successful and the dispute remains unresolved, the employee may proceed with the formal grievance process.
- C. All employees are required to cooperate in grievance proceedings and/or investigations whether as grievant, witness, or Respondent and shall maintain information obtained during grievance proceedings and/or investigations in strict confidence. Any violations of confidentiality may result in disciplinary action.
- D. Employees are to be given work release time, separate from the three (3) hour limit allowed under Personnel Policy 8-107 B.1., when called to testify in a Human Resources grievance proceeding.

13.2 GRIEVANCES NOT ALLEGING DISCRIMINATION

- A. Permanent Employees May Grieve:
  - 1. Misinterpretation, misapplication, or unequal enforcement of **COUNTY** Merit System Rules, Personnel Policies, or **BOARD OF SUPERVISORS POLICIES, OR** Administrative Procedures;
  - 2. A Letter of Reprimand.
- B. Employees May Not Grieve:
  - 1. Compensation issues and/or any related actions;
  - 2. Classification issues and/or any related actions;
  - 3. Informal disciplinary actions;
  - 4. Performance Plans and Performance Appraisals.



13.2 C. An employee may respond in writing to informal disciplinary action, except for an undocumented verbal counseling. The response shall be placed in the employee's department personnel file. An employee may respond in writing to a performance appraisal. The response shall be attached to the performance appraisal and filed accordingly.

D. Grievance Procedure

The grievance must be filed within ten (10) business days of the date of receipt of a Letter of Reprimand, or for grievable matters other than a Letter of Reprimand, within ten (10) business days of the date the grievant knew or should have known that mediation was not successful. The grievant shall complete a Pima County Grievance Form and submit it to the Appointing Authority. The Appointing Authority shall respond to the employee in writing within ten (10) business days of receipt. The employee has the right to submit the grievance and the response to the County Administrator for further review within five (5) business days of receipt of response.

E. The County Administrator, upon receipt of the grievance, shall make a determination concerning jurisdiction and, if appropriate, direct Human Resources to conduct grievance committee proceedings in accordance with this Rule.

1. No member of the grievance committee convened under this Rule shall be:
  - a. An employee of the County Administrator's Office, Human Resources, or the County Attorney's Office;
  - b. An employee who has received formal disciplinary action within the past twelve (12) months;
  - c. A relative of the grievant; or
  - d. An employee who has a definite personal and/or professional conflict of interest with the grievant or the department, as determined by the County Administrator.
2. A grievance committee shall consist of three randomly selected County employees who act on behalf of the County Administrator, with ample investigative power.
3. Prior to grievance committee proceedings, the grievant shall be given the option of designating committee selection to be either a) three (3) randomly selected non-departmental members or b) three (3) randomly selected departmental members.

- 13.2 E. 4. For grievances with non-departmental representation, two pools of employees will be computer generated on a quarterly basis, with one group representing exempt employees and the other group representing non-exempt employees. For grievances with departmental representation, two pools of departmental employees will be computer generated at the time of committee selection, with one group representing exempt employees and the other group representing non-exempt employees.
5. For each committee, Human Resources will randomly select one member from each pool. The third member will then be randomly selected by Human Resources from the total combined pool. Human Resources shall ensure that each committee is composed of at least one (1) non-management employee and one (1) management employee who has completed the first level of Mandatory Management Training offered by the County.
6. Training will be conducted by Human Resources at the time the grievance committee is convened. Training will constitute the first meeting of the committee and will be held prior to the investigation.
7. The grievance committee members shall maintain information obtained during the proceedings in the strictest confidence. Each member will be required to sign a confidentiality agreement at the time of training. Any violation of the agreement may result in disciplinary action.
8. Grievance committee meetings are conducted informally and not in an adversarial manner. Grievance committee members are required to attend all scheduled meetings.
9. The grievance investigation shall be by group process and no member may provide information obtained outside of the grievance process. The committee members are to remain objective and neutral throughout the investigation. The following individuals will be scheduled for an interview: grievant, department representative or immediate supervisor, and, if appropriate, any employee directly involved with the incident(s) cited in the grievance. The grievance committee may request Human Resources to obtain any relevant documents. If any discriminatory action is identified, the grievance committee must refer this issue to Human Resources for a separate investigation.
10. Either the grievant or the department may be accompanied by a representative when meeting with a grievance committee.

- 13.2 E. 11. Within forty-five (45) business days of the first committee meeting, the grievance committee, with assistance from Human Resources, shall draft a grievance report. The report shall contain findings of fact and recommendation(s) for action. It shall be noted in the report if consensus is not reached and the reason(s) justifying the dissenting vote shall be documented.

The committee may recommend that the County Administrator uphold or deny the grievance. Recommendations may address concerns regarding other violations of Rules/Policies, working conditions, management issues and/or departmental procedures relevant to the grievance. In addition, the committee may elect to draft a separate, confidential, report to the County Administrator concerning issues identified in the course of the investigation that are not directly related to the grievance.

- F. Within thirty (30) calendar days after receipt of the grievance committee report, the County Administrator shall accept, reject, or modify the remedy recommended by the grievance committee and issue a final decision. Should the County Administrator fail to issue a final decision within the above time frame, the majority opinion of the grievance committee will stand.

1. The County Administrator may reconvene the committee for further investigation or to provide an explanation of the issues and recommendation(s) in the report.
2. The grievance committee report shall be held confidential until it is distributed with the final decision. Human Resources shall distribute a copy of the County Administrator's decision and the grievance committee report to the grievant and the department for filing. A copy of the grievance report and the County Administrator's decision, when filed based on a Letter of Reprimand, shall also be placed in the grievant's official personnel file.
3. The grievant and/or department may report objections to the County Administrator within three (3) business days of receipt of the final determination. The County Administrator will determine what further action, if any, is warranted.

- G. All time requirements must be met unless exceptions are granted by the County Administrator. If the Appointing Authority fails to meet the time requirements, the grievant has the right to take the grievance to the next step. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

13.3 GRIEVANCES ALLEGING DISCRIMINATION

- A. Any employee may file a grievance alleging unlawful discrimination ~~under~~ **PURSUANT TO COUNTY MERIT SYSTEM RULES, PERSONNEL POLICIES** ~~County Personnel Policies, Merit System Rules,~~ **BOARD OF SUPERVISORS POLICIES** or Administrative Procedures, **AS APPLICABLE**, based on race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression or sexual orientation. Subsequent retaliation and/or harassment based on the above are also grievable issues.
- B. The grievance must be filed within ten (10) business days of the date the grievant knew or should have known that mediation was not successful. However, grievants alleging sexual harassment or workplace harassment need not attempt mediation prior to filing a grievance. The grievant shall complete a Pima County Discrimination Grievance Form and submit it to the Appointing Authority, who shall respond to the employee in writing within ten (10) business days of receipt. The employee has the right to submit the grievance and the response to the County Administrator for further review within five (5) business days of receipt of response.
- C. The County Administrator, upon receipt of the grievance, shall make a determination concerning jurisdiction and, if appropriate, direct Human Resources to conduct an investigation in accordance with this Rule.
1. Human Resources will schedule interviews with the following individuals: grievant, department representative or immediate supervisor, and, if appropriate, any employee directly involved with the incident(s) cited in the grievance. Human Resources may request that the Appointing Authority provide any relevant documents.
  2. Human Resources shall maintain information obtained during the grievance proceedings in the strictest confidence, to the extent possible. Any violation of this confidentiality requirement may result in disciplinary action.
  3. Within forty-five (45) business days of receipt of the grievance, Human Resources shall submit a report to the County Administrator. The report shall contain findings of fact and recommendation(s) for action.

Human Resources may recommend that the County Administrator uphold or deny the grievance. Recommendations may address concerns regarding other violations of Rules/Policies, working conditions, management issues, and/or departmental procedures relevant to the grievance. In addition, Human Resources may elect to draft a separate, confidential, report to the County Administrator

concerning issues identified in the course of the investigation that are not directly related to the grievance.

- D. Within thirty (30) calendar days after receipt of the report, the County Administrator shall accept, reject, or modify the remedy recommended by Human Resources and issue a final decision.
1. The County Administrator may require Human Resources to conduct further investigation or to provide an explanation of the issues and recommendation(s) in the report.
  2. The report shall be held confidential until it is distributed with the final decision. Human Resources shall distribute a copy of the County Administrator's decision and the report to the grievant and the department.
  3. The grievant and/or department may report objections to the County Administrator within three (3) business days of receipt of the final determination. The County Administrator will determine what further action, if any, is warranted.
- E. All time requirements must be met unless exceptions are granted by the County Administrator. If the Appointing Authority fails to meet the time requirements, the grievant has the right to take the grievance to the next step. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

#### 13.4 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a willing person of the employee's choosing in grievance meetings when the employee who is the subject of the grievance is in attendance. The employee's assistant may participate in the discussions with the employee during such meetings. The employee must be given notice of this meeting at least three (3) full work days from the date of written notification. If the employee has not obtained an assistant within that period of time, the meeting may proceed without further delay.

A. Administrative Leave

**ADMINISTRATIVE LEAVE WITH PAY MAY BE INITIATED FOR ANY ONE OF THE FOLLOWING FOUR EVENTS:**

1. Upon approval of the Appointing Authority and the County Administrator, an employee may be granted administrative leave with pay when emergency situations exist such as extreme weather conditions, fire, flood, or malfunction of publicly owned or controlled machinery or buildings, making it hazardous or impossible for the employee to get to or perform at his/her workstation (providing alternate work or workstation has not been designated).
2. An employee shall be granted administrative leave with pay upon the declaration of the Board of Supervisors that a state of emergency, disaster, or grief exists, and that such leave is to be granted.
3. Administrative leave with pay may be given to an employee by the Appointing Authority when it is determined to be in the best interest of the County, except in the case of layoffs, which may require County Administrator approval.
  - a. An employee may be placed on administrative leave with pay for up to thirty (30) business days. For extensions beyond thirty (30) business days, County Administrator approval is required.
  - b. The notification of administrative leave shall be delivered to the employee no later than five (5) business days after the effective date of the leave. The notice shall contain the specific reason(s) for the leave in sufficient detail to inform the employee of the reason(s) for the action. Prior to the commencement of administrative leave under this section, all County property, including County issued identification cards, access badges/key cards, keys, mobile devices, etc., shall be collected from the employee and retained by the department until the conclusion of the leave.
  - c. At the conclusion of administrative leave, the employee shall be returned to work and advised of any appropriate action.
4. Upon approval of the Appointing Authority, an exempt employee may be granted up to three (3) work days of management leave with pay per fiscal year during his/her normally scheduled work days and work hours. The purpose of management leave is to recognize exceptional performance. Requests for additional management leave must be submitted to the County Administrator for consideration and shall not be awarded to the employee(s) until approval is received. Each department shall provide the County Administrator with a report detailing all management leave as it is awarded. The report must indicate the department, each employee's name and

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position held, the reason leave is being granted and the dates and total hours of management leave awarded. Management leave is non-accruable.

B. Grievance/Appeal Activity Leave

Grievance/appeal activity leave applies to preparation and/or investigation of a grievance or appeal.

1. A permanent employee shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance. Pursuant to Merit System Rule 13.1 D., this three (3) hour limit does not apply to those times when the employee is called to testify in a Human Resources grievance/appeal proceeding.
2. An employee representative shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal, when requested for the purposes of investigation or representation on behalf of another employee, for grievances/appeals formally submitted to the appropriate authority. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance.
3. Grievance/appeal activity leave is non-accruable and shall not be taken in increments of less than one (1) hour.
4. Requests for grievance/appeal activity leave shall be made in writing at least three (3) business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

C. Special Program Leave

1. Upon approval of the Appointing Authority, an employee may be granted special program leave with pay.
2. Special program leave applies only to those programs which have been approved by the County Administrator and/or Board of Supervisors for employee participation.
3. Requests for special program leave shall be made in writing at least five (5) business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

D. César Chavez Remembrance Day Leave

1. Upon proclamation of the Board of Supervisors, the fourth Monday in March shall be designated as a day of remembrance in honor of César Estrada Chavez, for his efforts in establishing the farm labor movement.
2. Eligible employees, hired prior to the fourth Monday of March, shall be granted a day of administrative leave with pay.
  - a. For those departments with normal working hours of Monday through Friday, 8:00 am to 5:00 pm, the administrative day may be granted either the fourth Monday in March or the Friday immediately preceding the fourth Monday in March.
  - b. For those departments with twenty-four (24) hour operations, Elected Official departments or departments given specific written approval by the County Administrator, the administrative day may be granted any day beginning the three weeks preceding the fourth Monday in March up through and including the three weeks immediately following the Friday that precedes the fourth Monday in March.
3. Only employees who are in pay status (i.e., not on any type of approved leave of absence) are eligible for the remembrance day. The only exceptions are employees on intermittent FMLA or intermittent medical or victim leave or employees on modified duty workers' compensation who are actually working.
4. Full-time employees shall be granted a single day of no more than eight (8) hours of paid time off. Leave for other than full-time employees shall be paid in the same manner as the holiday benefit as set forth in Personnel Policy 8-102 F.
5. Intermittent employees, as defined in Merit System Rule 1, are not eligible for this remembrance day leave.

E. Bereavement Leave

**ALL EMPLOYEES EXCEPT ELECTED OFFICIALS, INTERMITTENT EMPLOYEES AS DEFINED IN MERIT SYSTEM RULE 1 AND TEMPORARY EMPLOYEES WITH LESS THAN SIX (6) MONTHS OF SERVICE ARE ELIGIBLE FOR BEREAVEMENT LEAVE.**

1. Upon approval of the Appointing Authority, an eligible employee may be granted paid bereavement leave for each occurrence in the case of the death of a family member. For purposes of bereavement leave, "family member" is defined as an employee's spouse, mother, father, step-mother, step-father, grandparent, child, step-child, foster child, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-



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in-law, son-in-law, domestic partner or child of a domestic partner. The employee must file an affidavit with the department in order to take bereavement leave for the death of the domestic partner or the child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

2. Paid bereavement leave shall be for a period of up to three (3) days per occurrence for the death of an eligible family member occurring within the State of Arizona, or up to five (5) days per occurrence for the death of an eligible family member occurring out of state. Employees must take bereavement leave in full day increments and within the first six (6) months following the death of an eligible family member. **DAYS NEED NOT BE TAKEN CONSECUTIVELY.** Days not taken within six (6) months of the death of an eligible family member shall be forfeited.
3. Full-time employees shall receive no more than eight (8) hours of paid time off for each day of approved bereavement leave. Bereavement leave for other than full-time employees shall be paid in the same manner as the holiday benefit as set forth in Personnel Policy 8-102 F.
4. Upon approval of the Appointing Authority, an eligible employee may use his or her annual leave, compensatory time or unpaid leave under 8-108.F., when additional bereavement time is needed.
- ~~5. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees with less than (6) months of service are eligible for bereavement leave.~~
65. An employee on an approved unpaid leave of absence as defined in 8-108.A. is not eligible for bereavement leave unless on intermittent FMLA or intermittent medical or victim leave and in pay status during the pay period when bereavement leave is requested.
76. Bereavement leave may be used for the purpose of making funeral arrangements, settling family affairs, bereavement, and/or attending the funeral or memorial service of an eligible family member.
87. The Appointing Authority or designee may require a death certificate, obituary, or documentation from the funeral home.
98. Bereavement leave shall not be counted as hours worked for the purpose of computing overtime.

F. Parental Leave

1. Upon approval of the Human Resources Department, eligible employees may be granted up to six (6) continuous work weeks of parental leave within the first twelve (12) weeks after the birth or adoption of a child. Parental leave will be paid at sixty-six and two-thirds (66 $\frac{2}{3}$ ) percent of the employee's regular rate of pay in effect at the time the leave commences. Employees may request additional leave (beyond the six (6) weeks of parental leave) by applying earned sick leave, compensatory time, or annual leave in accordance with Family and Medical Leave policy guidelines.
2. Employees who currently serve in a position that is eligible for benefits and have been employed by the County for at least twelve (12) months prior to the birth or adoption of a child and commencement of the requested leave are eligible for parental leave. Intermittent employees, as defined in Merit System Rule 1, are not eligible for parental leave.
3. Requests for parental leave must be submitted to Human Resources-Leave Administration on the form specified by HR-Leave Administration at least thirty (30) days before the leave is expected to begin or as soon thereafter as possible.
4. When both parents are County employees who meet eligibility guidelines, each is entitled to six weeks of parental leave.
5. Appointing Authorities may not detail another employee into the position of an employee on parental leave and may not otherwise temporarily fill the position of an employee on parental leave. Departments are not authorized to approve overtime costs for another employee to do the work of an employee on parental leave. In exceptional circumstances, an Appointing Authority may request County Administrator approval to temporarily fill the position of an employee on parental leave.
6. Payback provision: Employees who fail to return to work for at least ninety (90) calendar days following the end of their approved parental leave agree to reimburse the County for the salary and benefits paid by the County for the period of parental leave. This reimbursement requirement will be excused if the employee's failure to return to work is related to the onset, recurrence, or continuation of a serious health condition of the employee or the child.
7. Parental leave is set out by Administrative Procedures which comply with this policy.

A. Types of Leave

Leaves of absence without pay may be granted by a department to an employee for the following reasons and lengths of time:

<u>Reason</u>	<u>Maximum Leave Time</u>
Education	One (1) year
Medical	One (1) year
Candidacy for Elective Office	Six (6) months
Best Interest of County	One (1) year
Humanitarian/Personal	Six (6) months
Family and Medical Leave	Twelve (12) to Twenty-six (26) weeks
Victim	Unlimited

All leaves of absence must have the written approval of the employee's Appointing Authority, except leave designated under the Family and Medical Leave Act.

B. Education

An employee may be granted a leave of absence without pay for educational purposes when it is determined that such leave is in the best interest of the County and/or does not adversely affect its operation.

C. Medical

An employee may be granted a leave of absence without pay when unable to work because of a medical condition that is documented by a recognized physician or medical practitioner to include conditions arising from pregnancy or childbirth. For continuing conditions, official documentation of the status of the condition may be required on a monthly basis at the discretion of the Appointing Authority. Upon returning to work from medical leave, the employee shall provide a written release from his/her attending physician or medical practitioner. Upon receiving notification of approval for long term disability coverage, employees shall immediately resign from County employment if the benefit is awarded retroactively, or no later than one day before the long term disability coverage is scheduled to begin.

If an interactive process under the Americans with Disabilities Act (ADA) results in an accommodation agreement that permits the employee to work a part-time schedule, the employee will be permitted to remain employed by the County and his/her long term disability benefits will be offset by County wages as provided in ARS § 38-797.07(A)(1)(h). Intermittent medical leave without pay may occur as

an ADA accommodation as determined by Federal law and regulations under the ADA or due to a serious medical condition as determined by Human Resources and may be interspersed with paid time. The ADA is set out by administrative procedures which comply with the Americans with Disabilities Act.

D. Candidacy for Elective Office

When an employee files petitions of candidacy for an elective office **FOR WHICH THERE IS MONETARY COMPENSATION**, ~~other than School Board Member~~, the employee shall be placed on a leave of absence without pay.

**WHEN AN EMPLOYEE FILES PETITIONS OF CANDIDACY FOR AN ELECTIVE OFFICE FOR WHICH THERE IS NOT MONETARY COMPENSATION, TO INCLUDE SCHOOL BOARD MEMBER, THE EMPLOYEE MAY BE PLACED ON A LEAVE OF ABSENCE WITHOUT PAY IF: #**

1. It is determined **BY THE APPOINTING AUTHORITY** that the employee's election activities prevent the employee from performing his/her **ASSIGNED** County duties, or
2. ~~that~~ The election activities adversely affect the operation of the department.

E. Best Interest of County

With the full concurrence of the employee and the Appointing Authority and the approval of the County Administrator, an employee may be placed on a leave of absence without pay if it is determined that such leave is in the best interest of the County.

F. Humanitarian/Personal Reasons

An employee may be granted a leave of absence without pay for humanitarian or personal reasons when it is determined that undue hardship to the employee would otherwise result and that the operation of the department would not be adversely affected or to supplement bereavement leave pursuant to 8-107 E.4. Humanitarian/personal leave includes a leave of absence due to the birth and/or adoption of a child and the serious illness of a child, stepchild, foster child, grandchild, spouse, mother, father, grandparent, domestic partner and/or the child of the domestic partner, as established by affidavit once a year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

G. Family and Medical Leave Act (FMLA) Leave

1. Family and Medical Leave: An employee may be granted a leave of absence without pay as determined by Federal law and regulations under

the FMLA. The FMLA is set out by administrative procedures which comply with the Family and Medical Leave Act.

2. Military Family Leave: The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces as established in the Federal law and regulations.
- G. 3. The employee is required to use accrued sick and/or annual leave banks and compensatory time concurrent with FMLA unpaid leave and pursuant to administrative procedures. This applies to all eligible exempt and non-exempt employees on intermittent or continuous FML.

H. Victim Leave

1. General Conditions

- a. An employee may be granted a leave of absence without pay for an unlimited amount of time under the provisions of the Arizona Victim Leave Law, ARS § 8-420 and § 13-4439, if the employee is a "victim" of a crime. The leave of absence shall be granted for the employee to attend all court proceedings involving the perpetrator(s) of the crime(s) against the employee.

Exception: an employee's time may be limited if it creates an undue hardship, as defined by the statute, for the County.

- b. The employee shall maintain all seniority rights while absent from employment under these provisions.
  - c. All records regarding an employee's victim leave shall be considered confidential and maintained in a separate department personnel file.
2. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.
- a. "Victim" is defined as a person against whom the delinquent act or criminal offense has been committed, or if the person/victim is killed or incapacitated, the person's immediate family or lawful representative.
    - (1) "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.
    - (2) "Lawful representative" means a person who is designated by the victim or appointed by the court to act in the best interests of the victim.
  - b. Exception: a family member is not entitled to take victim leave who

is in custody for an offense or is the accused.

3. Employee's option for pay: victim leave is unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need be exhausted before victim leave begins.
- H. 4. Department requirements: at the conclusion of the leave period, the department shall assign the employee to the same or an equivalent position with the same pay, benefits and working conditions. An employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period.
5. Leave request procedure: an eligible employee shall provide the Department with the following documentation before victim leave is granted:
  - a. A copy of the notice from law enforcement or the prosecutor regarding the employee's status as a crime victim; and
  - b. A copy, if applicable, of the notice of any scheduled proceeding.

I. General Provisions

1. An employee shall submit his/her request for a leave of absence without pay at least two (2) weeks in advance of such leave, unless such advance time is not practicable, or is reduced or waived by the department. The employee must also make arrangements with Human Resources regarding continuation of and payment for group insurance. Approval must be obtained before such leave begins.
2. Annual leave and sick leave shall not accrue while an employee is on a leave of absence without pay, including continuous FML, unless the employee is using his/her own leave banks. Employees on intermittent or reduced schedule leave under FMLA, on intermittent medical leave or on intermittent victim leave shall accrue annual and sick leave based on the number of regular hours paid in the same pay period during which leave is used, including all hours of the employee's own leave and/or time worked. Unpaid hours will not be calculated nor applied for the purpose of determining annual and sick leave accruals.
3. An employee on a leave of absence without pay, who is not using his/her accrued leave banks, shall not receive pay for holidays.
4. An approved leave of absence without pay is not considered a break in County service, but no credit is given toward seniority unless the leave of absence without pay was for Uniformed Services leave in accordance with 8-103 G.1.b.

- I. 5. A leave of absence without pay shall not be granted for an employee to engage in outside employment.
- I. 6. A department may appoint a temporary replacement, without a guaranteed length of employment, or detail another employee to substitute for an employee on a leave of absence without pay, until the regular employee returns. Upon agreement with the department, the employee is not obligated to remain on the leave of absence until the scheduled end date if reasons for the leave have changed and the employee is able to return from the leave earlier than scheduled.
7. An employee starting a leave of absence without pay, who wishes to continue coverage under any of the County's group insurance programs, must make coverage and payment arrangements with Human Resources prior to such leave.
8. An employee starting an approved leave of absence without pay, other than FML, is expected to pay the full cost of the insurance premiums, which includes both employee's and employer's shares. The employee starting FML is expected to pay only the employee's cost of the premiums. If an employee cancels insurance coverage while out on a leave of absence, the employee can elect to continue coverage within thirty-one (31) calendar days upon returning to work.
9. An employee on intermittent medical leave will receive the employer's share of the insurance premium as long as he/she receives sufficient pay to cover the employee's share. Otherwise, the employee is responsible for the employer's and the employee's share of the insurance premium.
10. A leave of absence without pay, when granted, must be continuous and may not be interspersed with paid time, except for intermittent medical leave, for intermittent FML, and for intermittent victim leave.
11. Resignation during a leave of absence without pay becomes effective two (2) weeks from date of notice, or at the end of the leave of absence, whichever occurs first.

- A. Any unauthorized absence of an employee from duty, **TO WHICH THE EMPLOYEE DOES NOT APPLY SICK LEAVE**, shall be considered an absence without leave, and the employee shall not be paid for such absence. While an employee is absent without leave, annual leave, sick leave and holiday benefits shall cease to accrue.
  
- B. An unauthorized absence without leave for three (3) or more consecutive work days may result in dismissal **OR TERMINATION**. Should the employee return to work and provide a valid reason as determined by the Appointing Authority, appropriate leave time may be allowed.



A. Basic Pay Plan

The basic pay plan may consist of salary grades, open **SALARY** ranges and step plans. Each classification in the Classification System is assigned a grade/open **SALARY** range, except some classifications which are assigned a flat rate of pay. The grade/open **SALARY** range designation is determined by considering the relative level of duties and responsibilities of various classifications, rates paid for comparable classifications elsewhere, the County's financial resources and other relevant factors. Human Resources shall utilize current salary data, the employment market and other pertinent factors as a basis for making recommendations to the County Administrator for approval by the Board of Supervisors. Periodic changes or adjustments are necessary to maintain the pay plan. Grades/open **SALARY** ranges will be assigned with due regard to internal and external equity considerations as well as labor market competitiveness factors.

B. Payday

Payday shall be on the Friday following the end of each pay period. Wages shall not be withheld for more than five (5) business days following the end of each pay period. Each employee is responsible for submitting the appropriate pay documents by the scheduled due date in order to be paid on the scheduled payday.

C. Entrance Salary

The initial appointment to a County position shall ordinarily be at the minimum salary of the salary grade or open **SALARY** range or in accordance with the approved Salary Administration Plan/**SALARY MATRIX** for open **SALARY** range appointments. The Appointing Authority may recommend hiring above the minimum salary of the assigned grade/open **SALARY** range in two and one-half percent (2.5%) increments, up to seven and one-half percent (7.5%), based on recruiting difficulty, the appointee's qualifications and the needs of the department. This recommendation shall address any pay equity issues that arise as a result of hiring above the minimum salary of the assigned grade/open **SALARY** range. The Appointing Authority may recommend to the County Administrator pay equity adjustments under Section G. of this Policy as a means of resolving the pay equity issue(s). Hiring above the minimum salary of the assigned grade/open **SALARY** range requires the County Administrator's approval.

D. Reinstatement/Reemployment

Reinstatement or reemployment of a laid-off employee shall ordinarily be at the minimum salary of the assigned grade/open **SALARY** range or in accordance with the approved Salary Administration Plan/**SALARY MATRIX** for open range appointments. The Appointing Authority may recommend hiring above the minimum salary in two and one-half percent (2.5%) increments, up to seven and one-half percent

D. (7.5%), based on recruiting difficulty, the appointee's qualifications and the needs of the department. Reinstatement or reemployment above the minimum salary of the pay grade/open **SALARY** range requires the County Administrator's approval.

E. Reassignment

When an employee is reassigned, he/she shall retain the same salary held prior to the reassignment.

F. Adjustment

1. Upward adjustment

When a higher salary grade/open salary range is made applicable to a classification, all employees in that classification shall be changed to the new grade/salary on the same effective date. Each employee shall be placed in the new grade/open **SALARY** range at a rate that results in the same salary held in the previous grade/open salary range. There shall be an increase in salary when more is necessary to reach the minimum salary of the new salary grade/open salary range or salary as determined by the approved Salary Administration Plan/**SALARY MATRIX**.

2. Downward Adjustment

When a lower salary grade/open salary range is made applicable to a classification, all employees in the classification shall be changed to the new grade/open salary range on the same effective date. Each employee shall be placed in the new grade/open **SALARY** range at a rate that results in the same salary held in the previous grade/open salary range. If the employee's previous salary exceeds the maximum of the salary grade/open **SALARY** range of the new classification, the employee shall retain the previous salary, resulting in no loss in pay. There shall be no increase to the employee's salary until his/her pay is within the salary range of the new classification.

G. Pay Adjustment

At the request of an Appointing Authority, the County Administrator may approve a pay adjustment up or down in two and one-half percent (2.5%) increments in order to address pay equity issues and/or as is otherwise in the best interest of the County, provided no other pay policy applies. A downward adjustment requires written concurrence by the employee prior to implementation.

H. Promotion

When an employee is competitively promoted, his/her salary shall be raised up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum salary of the new grade/open **SALARY** range, unless more is necessary to reach the minimum salary of the new grade/open **SALARY** range or salary as determined by the approved Salary Administration Plan/**SALARY MATRIX**. Promotional increases in excess of the five percent (5%) require written approval by the County Administrator.

I. Demotion

When an employee is demoted or demotes for any reason, his/her salary shall be reduced to a salary in the grade/open **SALARY** range for the lower classification which shall result in lower pay of at least two and one-half percent (2.5%), unless waived by the County Administrator, and the salary shall not exceed the maximum salary of the new grade/open **SALARY** range.

J. Reappointment

The salary for an employee reappointed to a position in a classification assigned a lower compensation/salary grade shall be set in the same manner as for entrance salary. The Appointing Authority may recommend placement above the minimum salary of the assigned grade/open **SALARY** range in two and one-half percent (2.5%) increments, up to seven and one-half percent (7.5%), based on the reappointed employee's qualifications and the needs of the department. Hiring above the minimum salary of the assigned grade/open **SALARY** range requires the County Administrator's approval. The salary for an employee reappointed to a position in a classification assigned the same compensation/salary grade shall not decrease. A reappointed employee shall receive a salary increase only with the approval of the County Administrator, or when reappointed to a classification having an approved **SALARY ADMINISTRATION PLAN/Ssalary Mmatrix (salary administration plan)** and when such an adjustment is consistent with the **SALARY ADMINISTRATION PLAN/Ssalary Mmatrix**. In all other cases, a reappointed employee shall receive no increase in pay.

K. Reclassification

1. When an employee is reclassified to a classification of a higher grade/open salary range, his/her salary shall be raised two and one-half percent (2.5%), provided it does not exceed the maximum salary of the new grade/open **SALARY** range, unless more is necessary to reach the minimum salary of the new grade/open **SALARY** range or salary as determined by the approved Salary Administration Plan/**SALARY MATRIX**.

- K. 2. When an employee is reclassified to a classification of a lower grade/open salary range, he/she shall be placed in the new grade/open **SALARY** range at a rate that results in the same salary held in the previous grade/open **SALARY** range. If the employee's previous salary exceeds the maximum salary of the new grade/open **SALARY** range of the new classification, the employee shall retain the previous salary, resulting in no loss in pay. There shall be no increase to the employee's salary until his/her pay is within the salary range of the new classification.

L. Detail

When an employee is detailed to a position with a higher salary grade/open salary range for more than fifteen (15) work days, his/her salary shall be raised five percent (5%), provided it does not exceed the maximum salary of the new grade/open **SALARY** range, unless more is necessary to reach the minimum salary of the new grade/open **SALARY** range or salary as determined by the approved Salary Administration Plan/**SALARY MATRIX**. After the detail is completed, the employee shall return to the same grade/open **SALARY** range and pay held before the detail, plus any salary increases which may have occurred during the detail.

M. Merit Increase

When the Board of Supervisors appropriates funds for a merit increase, the Appointing Authority may grant an employee a two and one-half percent (2.5%) merit increase based upon an official performance review with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. Merit increases shall be limited to one per year. In no case shall a merit increase raise an employee's salary above the maximum salary of the salary grade/open **SALARY** range unless approved by the Board of Supervisors.

N. Open Range Classifications

~~1. — Classifications which are authorized by the Board of Supervisors as open range shall be assigned an alphanumeric salary grade. The salary for each incumbent shall be determined in accordance with a Salary Administration Plan approved by the County Administrator. All alphanumeric salary grades are not open range.~~

21. Any adjustments to the incumbent employee's salary within an open range classification shall be determined by the Appointing Authority, based on a County Administrator approved ~~pay matrix and~~ Salary Administration Plan/**SALARY MATRIX**. In no case shall adjustment in the incumbent's salary raise the incumbent's salary above the maximum of the salary range.

N. 32. Merit increases shall be limited to one per year and may be awarded in a different manner than 8-117 M above and in accordance with the approved Salary Administration Plan. The merit increase shall be granted based upon a performance appraisal conducted pursuant to Merit System Rule 15, with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. In no case shall a merit increase raise an employee's salary above the maximum of the salary range.

O. Open Range Reappointments

1. When an employee **IN THE CLASSIFIED SERVICE** moves from a position with a salary grade to a position with an open salary range, ~~his/her~~ **THE EMPLOYEE'S** salary shall remain the same, unless more is necessary to reach the starting salary of the open **SALARY** range ~~or salary~~ as determined by the approved Salary Administration Plan/**SALARY MATRIX**. If the change in pay results from a competitive process, the department may offer the employee a lower salary based on internal equity issues or a higher salary up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum of the salary of the new grade/open **SALARY** range, unless more is necessary to reach the minimum salary of the new grade/open **SALARY** range ~~or salary~~ as determined by the approved ~~S~~salary ~~A~~administration ~~P~~plan/**SALARY MATRIX**, when applicable. Open range reappointments in excess of five percent (5%) require written approval by the County Administrator.
2. When an employee moves from a position with an open salary range to a position with a salary grade, ~~his/her~~ **THE EMPLOYEE'S** salary shall remain the same, unless more is necessary to reach the minimum salary of the salary grade. If the change in pay results from a competitive process, the department may offer the employee a lower salary based on internal equity issues or a higher salary up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum of the new grade/open **SALARY** range or salary, unless more is necessary to reach the minimum salary of the new grade/open **SALARY** range ~~or salary~~ as determined by the approved ~~S~~salary ~~A~~administration ~~P~~plan/**SALARY MATRIX**, when applicable. Open range reappointments in excess of five percent (5%) require written approval by the County Administrator.
3. Salary placement for employees into classifications having an approved ~~S~~salary ~~A~~administration ~~P~~plan/**SALARY MATRIX** (~~salary administration plan~~) shall be made in accordance with the approved ~~S~~salary ~~A~~administration ~~P~~plan/**SALARY MATRIX**. This shall include placement for actions described in 8-117 H, I, J and K above.

P. Anniversary Increases

When the Board of Supervisors appropriates funds for an anniversary increase, the Appointing Authority may grant an employee a two and one-half percent (2.5%) anniversary increase based upon an official performance review with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. In no case shall an anniversary increase raise an employee's salary above the maximum salary of the salary grade/open **SALARY** range unless approved by the Board of Supervisors.

Q. Multilingual Compensation

An eligible, qualified employee shall receive a pay adjustment in accordance with the table below:

LEVEL	RATE	REQUIREMENTS
Associate	\$0.25 per hour	Employee must use multilingual skills at least 25%-49% of work time per pay period.
Journey	\$0.50 per hour	Employee must use multilingual skills 50% or more of work time per pay period.

If multilingual compensation is rescinded or terminated, the employee shall return to the same pay held before the multilingual pay was initiated, plus any salary increases which may have occurred while the employee was receiving multilingual pay.

R. Compensation Effective Date

1. The effective date for compensation actions defined in 8-117 F, G, and K above shall be the first day of the pay period following the County Administrator's approval, unless otherwise addressed in policy or by the Board of Supervisors directive. In all cases stated above, the County Administrator's approval shall be required.
2. The effective date for compensation actions defined in 8-117 H, I, J, L, and Q not requiring County Administrator approval, shall be the first day of a pay period **UNLESS OTHERWISE STATED BELOW.**
3. **THE EFFECTIVE DATE FOR COMPENSATION ACTIONS RESULTING FROM PROBATION FAILURE, TO INCLUDE, BUT NOT LIMITED TO INVOLUNTARY DEMOTION, SHALL BE THE DATE OF SERVICE OF NOTICE OF PROBATION FAILURE TO THE EMPLOYEE.**

4. **THE EFFECTIVE DATE FOR COMPENSATION ACTIONS RESULTING FROM THE PROMOTION OF A COUNTY EMPLOYEE INTO THE CLASSIFICATION OF DEPUTY SHERIFF SHALL BE THE FIRST DATE OF EMPLOYMENT FOR EMPLOYEES NEWLY HIRED INTO THE CLASSIFICATION. IN THE EVENT AN ACADEMY CLASS FOR DEPUTY SHERIFF CONSISTS OF PROMOTED EMPLOYEES ONLY, THE EFFECTIVE DATE FOR COMPENSATION ACTIONS SHALL BE ACADEMY ORIENTATION DAY.**

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

- A. Observe Personnel Policies and 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 immediate supervisor any criminal conviction of the employee that results from drug statute violations in the workplace. The report must be made no later than five (5) calendar days following such conviction.
- 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.

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. **USE PRIVATE ELECTRONIC DEVICES OR SYSTEMS SUCH AS PRIVATE EMAIL ACCOUNTS OR OTHER PRIVATE COMMUNICATION DEVICES FOR ANY ACTIVITY THAT WOULD BECOME A PUBLIC RECORD AS DEFINED BY ARIZONA PUBLIC RECORDS LAWS.**

**ALL COUNTY BUSINESS RELATED CORRESPONDENCE (WHETHER EMAIL, TEXT MESSAGE OR WRITTEN COMMUNICATION) SHALL BE CONDUCTED ON A COUNTY AUTHORIZED AUTOMATED INFORMATION SYSTEM, WHICH HAS THE PROPER LEVEL OF SECURITY CONTROL TO PROVIDE NONREPUDIATION, AUTHENTICATION AND ENCRYPTION, TO ENSURE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF THE RESIDENT INFORMATION.**

A. Coverage

1. The County offers group insurance coverage for its employees and their dependents as follows:
  - a. Medical insurance;
  - b. Dental insurance;
  - c. Life insurance (basic and supplemental);
  - d. Additional plans, as adopted by the Board of Supervisors. ~~Such additional plans may be governed by Administrative Procedures.~~
2. An employee may be required to share the cost of insurance, ~~except that the County pays for the entire premium cost of the basic life policy.~~ **WITH THE EXCEPTION OF THE BASIC LIFE POLICY AND THE EMPLOYEE ASSISTANCE PROGRAM (EAP), FOR WHICH THE COUNTY PAYS THE FULL PREMIUMS.**
3. Employees electing coverage may choose to cover eligible dependents.

B. Eligibility for Insurance Coverage

1. **THE FOLLOWING EMPLOYEES ARE ELIGIBLE FOR INSURANCE COVERAGE:**
  - A. ~~4.~~ A regular full-time, ~~or part-time~~ **OR VARIABLE-TIME** employee hired **SCHEDULED** to work and receiving pay for twenty (20) or more hours per week, or forty (40) or more hours per pay period, is eligible **IN A BENEFITS ELIGIBLE EMPLOYMENT CLASSIFICATION AS DEFINED IN ADMINISTRATIVE PROCEDURE 23-22 II.A.;**
  - B. **AN EMPLOYEE THAT MEETS THE REQUIREMENTS DEFINED BY FEDERAL GUIDELINES;** ~~A variable-time employee hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, regardless of the actual number of hours worked, is eligible.~~
  - C. A temporary employee **(EMPLOYMENT CLASSIFICATION G)** ~~extended beyond the first~~ **AFTER** six (6) months of **CONTINUOUS** employment and hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, is eligible.
2. If both spouses or domestic partners work for the County and are eligible for benefits, only one (1) person is ~~allowed~~**PERMITTED** to cover eligible

dependents. For the purpose of Pima County insurance coverage, an eligible dependent is a legally married spouse, domestic partner, natural born child, stepchild, adopted child of the employee or domestic partner, **A** child who has been placed for adoption with the employee or domestic partner and for whom the application and approval procedures for adoption pursuant to ARS §8-105 or §8-108 have begun, and/or a child for whom the employee or domestic partner has obtained court ordered guardianship.

- B. 3. An eligible child is insurable up to the age of twenty-six (26), regardless of the child's student or marital status or the availability of other employer-based coverage for that child. The employee must supply documentation to support the parent-child relationship and the age of the child. As an example, such documents may include a birth certificate or applicable court order. An enrolled dependent child will continue to be eligible beyond the age of twenty-six (26) provided the child is incapable of self-sustaining employment by reasons of intellectual disability or physical disability and is chiefly dependent upon the employee or enrolled domestic partner for support and maintenance. Restrictions may be placed on dependent coverage by an insurance carrier if the dependent is not living within the carrier's defined service area. At any time, an employee may be requested to document dependent status.

C. Enrollment and Effective Date

1. Insurance coverage becomes effective the first day of the month following completion of thirty (30) calendar days of eligibility. An eligible employee electing insurance coverage must enroll via the Benefits online enrollment system within the scheduled enrollment period or wait until the next annual enrollment period to obtain insurance coverage. Bi-weekly premium deductions will begin the first payday following enrollment.
2. A reinstated employee's insurance coverage becomes effective the first day of the month following reinstatement.
3. A reemployed employee shall be treated as a new employee.
4. **A FORMER EMPLOYEE THAT WAS BENEFITS ELIGIBLE AT THE TIME OF TERMINATION AND IS REHIRED WITHIN THIRTEEN (13) WEEKS SHALL HAVE THEIR PREVIOUS BENEFITS REINSTATED EFFECTIVE ON THE DATE OF REHIRE AS MANDATED BY FEDERAL GUIDELINES.**

D. Annual Enrollment

1. Annual enrollment for group insurance is held at least once a year and is scheduled by Human Resources. This is a specified period during which an eligible employee may enroll in, change or cancel medical/dental insurance, add eligible dependents, and cancel dependents. This also applies to supplemental and ancillary benefits.

2. Supplemental and dependent life insurance is available on an open and continuous enrollment basis. Evidence of insurability of all applicants, except newly eligible employees and dependent children, will be required.

E. Coverage Changes, Cancellation of Coverage, Qualifying Life Events

1. An employee may enroll in or cancel insurance coverage and/or add or delete dependents only during the regularly scheduled annual enrollment, unless a qualifying life event has occurred. A qualifying life event is defined to be:
  - a. Marriage;
  - b. Divorce;
  - c. Legal separation;
  - d. The establishment or dissolution of a domestic partner relationship;
  - e. Birth;
  - f. Adoption;
  - g. Placement for adoption pursuant to ARS §8-105 or §8-108;
  - h. Court ordered guardianship;
  - i. Dependent leaves the service area (for certain medical and dental plans);
  - j. Employee's spouse, domestic partner or other dependent gains or loses other coverage;
  - k. Leave of absence without pay;
  - l. Dependent child attains age 26.
2. These changes must be made within thirty-one (31) calendar days of the date of occurrence. Premium changes will be effective the first payday following enrollment effective date. An employee may not change from one plan to another except during the scheduled annual enrollment period.
3. Cancellation of coverage shall occur for non-payment of premiums.
4. An employee's insurance coverage terminates at midnight on the last day of the month for which premiums were paid.
5. Unless a qualifying life event has occurred, an employee whose coverage has been canceled for non-payment in the current plan year may re-enroll for insurance coverage only during the next regularly scheduled annual enrollment.
6. Reinstatement of coverage following cancellation for non-payment of premium and outside of the annual enrollment period may be authorized by the County Administrator.

F. Leave Without Pay

1. An employee starting a leave of absence without pay may continue coverage under any of the County's group insurance programs based on policy guidelines of the plan.
2. An employee on a leave of absence without pay, who terminates prior to the end of such leave, shall be responsible for payment of insurance premiums up to the last day of employment.
3. If the employee's insurance coverage is terminated due to non-payment of premium, cancellation will be effective the end of the payroll period for which premiums were paid.

G. Leave Taken Under the Family and Medical Leave Act (FMLA)

1. When an employee is on an approved leave of absence without pay under the provisions of FMLA, the County will continue to pay to insurance providers the County's contribution for medical, dental and basic life insurance coverage. An employee taking leave under FMLA will be responsible for payment of the employee's share of premium costs for any County-sponsored insurance benefits.
2. An employee starting an FML leave of absence without pay may continue coverage under any of the County's group insurance programs by making benefit and payment arrangements with Human Resources prior to such leave.
3. The County may recover insurance premiums paid on behalf of an employee during an unpaid leave under the provisions of FMLA if:
  - a. The employee fails to return from leave after the leave period has expired, and
  - b. Fails to return for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to take FML, or other circumstances beyond the employee's control.

H. Retirement Benefits

In Arizona, retirement benefits, including health benefits for retirees of State and County government, are governed by Arizona statute. Pursuant to Arizona constitutional and statutory law, the State of Arizona has established, operates and maintains a retirement system, known as the Arizona State Retirement System (ASRS) for State and County employees. There are separate systems, also established by Arizona law, for law enforcement personnel, corrections system personnel, and eCounty eElected eOfficials.

I. Complaints

Formal complaints may be made in writing to Human Resources.

J. Continuation of Group Medical, Dental and Employee Assistance Program Coverage

Under Public Law Number 99-272, as amended, certain employees and dependents are eligible to continue group medical benefits, dental insurance benefits and employee assistance program benefits. This continuation requires the eligible employee or dependent to pay the full premium (without County contribution) plus a 2% administration fee.