



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/15/15

Title: Revisions to the Merit System Rules and Personnel Policies

Introduction/Background:

Proposed revisions to Merit System Rules 6, 8, 10, 11, 12 and 15
Proposed revisions to Personnel Policies 8-102; 8-103; 8-107; 8-108 and 8-120

Discussion:

Merit System Rule 6 - Recruitment Process

- MSR 6.5 A.6 Revisions relating to removal of applications by Human Resources to align with processes/terminology utilized in VirtualEdge.
- MSR 6.5 B Excepting MSR 6.5 A.6 removal of an application from Administrative Review (MSR 4.3)
- MSR 6.6 Adds "for any other reason(s) deemed appropriate by the Human Resources Director" as a reason for possible cancellation of a recruitment process.

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

- MSR 8.1 B Revisions permitting employees who are serving initial probation to apply for promotion only within the department currently employed and only after completion of six months of initial probation.
- MSR 8.1 D Relating to 8.1 B, clarifies the result of promotion probation failure for a permanent employee.
- MSR 8.2 A.2 Relating to 8.1 B, sets forth the involuntary demotion process as a result of promotion probation failure for an employee serving initial probation.
Numbers 8.2 A.3 and clarifies the involuntary demotion process as a result of promotion probation failure for a Corrections Officer who applied for and was appointed to Deputy Sheriff while serving initial probation. This language was proposed by the Merit System Commission/Law Enforcement Merit System Council.
Renumbers subsequent subsections.
- MSR 8.3 A Revisions permitting employees serving initial probation to apply for reappointment only within the department currently employed and only after completion of six months of initial probation.
- MSR 8.4 A Revisions permitting employees serving initial probation to apply for open range reappointment only within the department currently employed and only after completion of six months of initial probation.

Merit System Rule 10 - Probation

- MSR 10.1 B Clarifies the probation process for a Corrections Officer serving initial probation who applies for and is appointed to Deputy Sheriff. This language was proposed by the Merit System Commission/Law Enforcement Merit System Council.
- MSR 10.2 B.3 Sets forth the language regarding the termination of an employee on initial probation who fails promotion probation.
- MSR 10.2 F.3(c) Sets forth the language regarding the termination of an employee on initial probation who fails reappointment probation.

Merit System Rule 11 - Terminations

- MSR 11 proposing that a resignation that is requested and approved to be withdrawn after the effective date of the resignation shall be considered a break in service.
- MSR 11.5 adds language authorizing departments to terminate any employee who fails to resign after being awarded Long Term Disability.

Merit System Rule 12 - Disciplinary and Other Personnel Actions

- MSR 12.2 B.1 deletes confusing language relating to the filing of personnel employment actions.
- MSR 12.2 B.2.c deletes confusing language relating to the filing of personnel employment actions.
- MSR 12.2 B.3.c deletes confusing language relating to the filing of personnel employment actions.
- MSR 12.2 B.4.c deletes confusing language relating to the filing of personnel employment actions.
- MSR 12.3 C adds language relating to the delivery and filing of administrative suspensions to align with other personnel actions and renumbers subsequent sections.

Merit System Rule 15 - Employee Performance Appraisal

Minor wording changes to incorporate current terminology.

Personnel Policy 8-102 - Premium Pay

- PP 8-102 F.4 Strikes language to match the payment of holiday pay with current practice Renumbers subsequent subsections.

Personnel Policy 8-103 - Civic Duty Leave and Uniformed Services Leave

- PP 8-103 G.1.b strike through "in the best interest of the County" to eliminate any confusion of Long Term Uniformed Service Leave with PP 8-108 Leaves of Absence without Pay.

Personnel Policy 8-107 - Special Leaves of Absence with Pay

- PP 8-107 E. Bereavement Leave - defines "family member" for purposes of bereavement leave.

Personnel Policy 8-108 - Leaves of Absence without Pay

- PP 8-108 C. adds clarification relating to an employee's resignation upon receiving notification of approval for Long Term Disability coverage and reasonable accommodation under the Americans with Disabilities Act.

Personnel Policy 8-120 - Reallocation/Reclassification

- PP 8-120 strikes paragraph D. Reallocated Position Filled by Competitive Process and renumbers the remaining sub sections.

Conclusion:

The proposed revisions were submitted to Elected Officials, Appointing Authorities, Merit System Commission and Counsel, Meet and Confer Committee co-chairs, President of the SEIU Chapter, AFSCME, Fraternal Order of Police, and Pima Corrections Association for review and comment. Courtesy copies were also distributed to the Presiding Judges of Superior Court, Juvenile Court, Justice Court and the Superior Court Human Resources Director.

The revisions are required to align current rules and policies with current practice and at the request of the Merit System Commission.

Recommendation:

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

Fiscal Impact:

Board of Supervisor District:

1 2 3 4 5 All

Department: Human Resources Telephone: 724-8672

Department Director Signature/Date: *[Signature]* 11/20/15

Deputy County Administrator Signature/Date: *Jonny Burke* 11-23-15

County Administrator Signature/Date: *C. Dunkelbaun* 11/24/15

6.1 RECRUITMENT PROCESS

- A. Human Resources shall be responsible for the establishment and maintenance of the recruitment process for classifications covered by these Rules.
- B. Applicants seeking consideration for additional vacancies in a classification for which they have already applied must submit a new application to the new requisition for the vacant position once it is posted on the County's website.

6.2 REINSTATEMENT/REEMPLOYMENT

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

6.3 SELECTIVE CERTIFICATION

Human Resources may make a selective certification of eligible applicants from previous recruitment processes when the vacant position requires specialized knowledge and/or experience or special background or qualification within the particular classification or within a particular geographic area.

6.4 USE OF RELATED RECRUITMENT PROCESSES

If a vacancy exists in a classification for which few, if any, applications have been received, Human Resources may use a related recruitment process for a similar classification. The related or similar classification(s) must have minimum qualifications equal to or greater than those of the classification for which the vacancy exists as determined by Human Resources.

6.5 REMOVAL OF APPLICATIONS

- A. Human Resources may remove an application from a recruitment process at any time for any of the following reasons:
 - 1. Any of the reasons specified in Rule 4.2 D.;
 - 2. The applicant cannot be located, despite reasonable efforts by the department or Human Resources;
 - 3. The applicant has indicated to Human Resources or the department that he/she is no longer interested in a position in that classification, or that he/she is no longer available for appointment;

- 6.5 A. 4. Refusal or rejection by the applicant of an offer of appointment;
5. Failure of the applicant to respond to a reinstatement notice and/or refusal to accept reinstatement;
6. The applicant has accepted an initial, **COMPETITIVE REAPPOINTMENT** or promotional appointment, at which time all applications **SUBMITTED** for ~~classifications~~ **ANY REQUISITIONS STILL ACTIVE** of the same or lower grade or open salary range in the same classification family shall be removed **PLACED IN UNCONSIDERED STATUS**;
7. Acceptance of a position by a laid off employee during the reemployment period; the laid off employee's reinstatement application shall remain in the reinstatement recruitment process;
8. For internal County-wide or intradepartmental recruitment, the applicant has been terminated from County employment (i.e., the applicant is no longer a County employee);
9. The cancellation of a recruitment process pursuant to Rule 6.6.
- B. **EXCEPT FOR APPLICATIONS REMOVED UNDER RULE 6.5.A.6, WHEN** ~~When~~ an application is removed from a recruitment process, the applicant may request an Administrative Review under Rule 4.3.

6.6 CANCELLATION OF A RECRUITMENT PROCESS

Human Resources may cancel a recruitment process when the classification of a position being recruited is deleted or revised with a significant change to the minimum qualifications, ~~or~~ when a major revision has been made to the written test for that classification, **OR FOR ANY OTHER REASON(S) DEEMED APPROPRIATE BY THE HUMAN RESOURCES DIRECTOR.**

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 ~~promotion~~ **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-~~as set forth in these rules~~.

4. An employee demoted **OR TERMINATED** under this section shall have no right of appeal.
25. 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.

RULE 8 - PROMOTION, DEMOTION, REAPPOINTMENT,
OPEN RANGE REAPPOINTMENT,
REASSIGNMENT AND DETAILEffective Date:

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

8.4 OPEN RANGE REAPPOINTMENT

- A. An employee may be offered an open range reappointment competitively from or to a position with a discrete grade to or from a position with an open salary range. 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. 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.

10.1 GENERAL PROVISIONS

- A. Probation within County employment shall be for a period of twelve (12) 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 ~~who so promoted~~ **APPOINTED** is involuntarily demoted for failure to successfully complete promotion ~~INITIAL~~ **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.

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.

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 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;
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 ~~once the grievance process is completed or the time frame for filing a grievance has expired.~~

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 ~~once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.~~

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 ~~once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.~~

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 ~~once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.~~

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.**
- CD. 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.
- DE. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.
- EF. 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.

- A. Each Appointing Authority shall adopt an employee performance appraisal—**MANAGEMENT** process which provides for employee evaluations—**PERFORMANCE APPRAISALS** on at least an annual basis.
- B. All employees, except those exempted by the County Administrator, are to be given a written appraisal of their job performance at least annually.
- C. Performance appraisals are to be used as a tool to evaluate the level of performance of an employee.
- D. In accordance with the Performance Management Educational Guide, employees serving any type of probation ~~should~~ **ARE TO** be given a written appraisal of their performance at the mid-point of ~~the~~ **ANY TYPE OF** probationary period and progress review discussions ~~should~~ **ARE TO** be conducted with the employee.

A. Definitions

1. "Premium pay" means compensation in addition to an employee's normal pay and includes the following: overtime pay, compensatory time, callback pay, on-call pay, holiday pay, shift differential pay, special assignment pay, and multilingual compensation.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law.
3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday. An employee on a leave of absence without pay and who is using Catastrophic Leave time is not eligible for the holiday benefit.
5. "Multilingual compensation" means additional pay given to an eligible employee for providing sign language or non-English language services.

B. Exclusions from Premium Pay

The following are not eligible for premium pay except that an Appointing Authority shall receive the holiday benefit as provided herein.

1. Elected Officials;
2. Appointing Authorities; and
3. Anyone who is not an employee on County payroll.

C. Overtime

1. An employee eligible for overtime shall be compensated for overtime hours worked by either one of the following methods, at the discretion of the Appointing Authority:
 - a. By payment at one and one-half (1½) times the employee's current hourly rate;
 - b. By compensatory time at a rate of one and one half (1½) hours off for each hour of overtime worked and not paid.

- C. 2. The following are not eligible for overtime:
- a. Elected Officials;
 - b. Members of the personal staff of Elected Officials;
 - c. Persons appointed by Elected Officials to serve on a policy-making Board or Commission;
 - d. Advisors to Elected Officials with respect to the constitutional or legal powers of their office;
 - e. Employees classified as Executive (E), Administrative (A), or Professional (P), under the Fair Labor Standards Act, except those (E, A, or P) employees designated as eligible for overtime under the County's classification system.
3. Employees shall work overtime only when authorized by the Appointing Authority or designee. Overtime shall be allocated as evenly as possible among all employees qualified to do the work. While preference may be given to those employees who wish to volunteer for the work, all employees are required to work overtime when requested to do so.
4. Compensatory time shall not accumulate in excess of one hundred twenty (120) hours. An employee eligible for overtime who has one hundred twenty (120) hours of accrued compensatory time is to be paid for future authorized overtime worked. If compensatory time is accrued, it cannot be converted back to pay except as provided in the termination policy or other directive from the Board of Supervisors. The Appointing Authority shall establish procedures for timely usage of compensatory time accrued.
5. An employee who transfers from one County department to another shall retain any accumulated compensatory time. An employee who changes from one employment type to another shall retain any accumulated compensatory time and shall be eligible to use and/or accrue compensatory time in accordance with his/her current employment type.

D. Callback Pay

An employee eligible for overtime compensation shall be eligible to receive callback pay. An eligible employee who has left a place of work and is called back to work before his/her next regularly scheduled work shift shall receive a minimum of two (2) hours of pay if reporting back to the worksite or a minimum of fifteen (15) minutes of pay for problem resolution by telephone. Callback pay applies in emergency circumstances only. The callback period shall begin when the employee is notified to return to work. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive callback pay.

- D. 1. The employee must report as soon as possible to the worksite. The callback period ends when the employee completes the job assignment. If the employee's private car is used for transportation in a callback situation, mileage shall be paid at the approved rate. Callbacks shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to work if called back.
2. If the employee is able to resolve the problem by telephone and is not required to report to the worksite, he/she shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received.

E. On-Call Pay

An employee eligible for overtime compensation shall be eligible to receive on-call pay. The eligible employee shall be designated by the Appointing Authority to be on call and available for immediate contact for a specific period of time and particular purpose. Being available for immediate contact does not constitute on call unless the employee has been designated on call as above. On-call pay shall be paid at the rate of one dollar and thirty cents (\$1.30) per hour of on-call duty. On-call pay may not be coincident with any other pay except for paid holidays. Location of the employee for on-call duty shall be at the employee's discretion, with the stipulation that immediate contact can be made and that the employee must be able to report fit for duty within one (1) hour, unless other conditions require a shorter period. On-call duty shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to be on call when requested. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive on-call pay.

F. Holidays

1. Pima County recognizes the following actual holidays:
- | | | |
|------|--|-----------------------------|
| (1) | January 1 | New Year's Day |
| (2) | Third Monday in January | Martin Luther King, Jr. Day |
| (3) | Third Monday in February | Presidents' Day |
| (4) | Last Monday in May | Memorial Day |
| (5) | July 4 | Independence Day |
| (6) | First Monday in September | Labor Day |
| (7) | November 11 | Veterans' Day |
| (8) | Fourth Thursday in November | Thanksgiving Day |
| (9) | Friday after the Fourth Thursday in November | |
| (10) | December 25 | Christmas Day |

County offices shall be closed on each of the ten (10) actual holidays listed above. If actual holidays 1, 5, 7, or 10 fall on a Sunday, the holiday

shall be designated as observed for pay purposes on the following Monday. If actual holidays 1, 5, 7, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.

2. If possible, employees eligible for the holiday benefit, including temporary employees, shall be given time off with pay for each recognized holiday, either on the day the holiday is observed or within the work week in which the holiday falls. Full-time employees shall receive no more than eight (8) hours of time off. Variable-time, part-time employees and employees on reduced schedule leave under ADA shall receive a prorated amount of time off based on their work schedule. For non-exempt employees, holiday benefit hours are paid based on their work schedule. Exempt employees will receive their regular salary for a pay period in which the holiday falls. Intermittent employees, as defined in Merit System Rule 1, are not eligible for the holiday benefit, but may receive holiday pay.
3. If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off within the work week, the employee shall receive the pay he/she would have received for the holiday benefit plus the following holiday pay:

Actual or Observed Holiday - 1½ times regular pay rate for time worked, minimum two (2) hours.

If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off within the work week, he/she shall receive holiday pay for holiday hours worked. At the discretion of the Appointing Authority, the employee may be granted annual leave or compensatory time off and still remain eligible to receive holiday pay for holiday hours worked.

If an exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off, the employee shall receive the pay he/she would have received for the holiday benefit and he/she shall be credited, in the form of straight-time compensatory time, with the number of hours worked on the holiday, not to exceed eight (8) hours.

- ~~4. If more than half of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.~~

54. Holiday Benefit & Workers' Compensation

- a. An employee eligible for the holiday benefit, who elects to use annual leave, sick leave, or compensatory time to supplement

workers' compensation benefits, shall receive as holiday benefit the equivalent to the daily amount of compensatory time or leave banks utilized to supplement worker's compensation benefits.

- b. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive the holiday benefit based on his/her work schedule.
65. An employee eligible for the holiday benefit, who is on an approved medical leave of absence without pay, and who chooses to use his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.
76. An employee eligible for the holiday benefit, who is on an approved leave of absence under the Family and Medical Leave Act, and who is using his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

To qualify for shift differential pay, scheduled hours must consistently meet the criteria in 1.a and 1.b below. Qualifying departments are listed on Attachment I to this policy.

1. Definitions
 - a. "Evening shift" means a work shift in which more than half of the hours worked fall between 5 p.m. and midnight.
 - b. "Night shift" means a work shift in which more than half of the hours worked fall between midnight and 8 a.m.
2. A non-exempt employee, as established by Merit System Rule 1, who works an evening or night shift as defined in G.1, shall receive shift differential pay of sixty cents (\$0.60) per hour for evening shift and sixty-five cents (\$0.65) per hour for night shift, in addition to the current hourly rate for each hour worked on the shift. Eligible employees shall receive shift differential pay for all hours worked on the shift for which they are scheduled as defined in G.1 above.
3. Only eligible employees who are actually working (i.e., not using annual leave, sick leave, compensatory time, any type of paid leave, or receiving holiday benefit) are eligible for shift differential pay.

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall annually submit a request to the County Administrator with justification for the special assignment pay no later than July 1.

I. Multilingual Compensation

1. An employee may receive additional pay for providing sign language or non-English language services if the employee's duties require multilingual capability.

Qualification and eligibility requirements for multilingual compensation are set out by administrative procedures.

2. Multilingual pay is subject to rescission at any time. Rescission of multilingual pay does not constitute a disciplinary reduction in pay and is not grievable or appealable.
3. Only eligible employees who are actually working (i.e., not using annual leave, sick leave, compensatory time, catastrophic leave bank hours, any type of paid leave, or receiving holiday benefit) are eligible for multilingual pay.

J. Attachment(s)

Changes may be made to attachment(s) to this policy by Human Resources, with County Administrator approval.

ATTACHMENT I, Pima County Personnel Policy 8-102

Departments with Evening & Night Shifts

County Attorney's Office (Criminal Division Legal Processing Support Unit)
Facilities Management
Health (Animal Care)
Information Technology
Library
Medical Examiner
Regional Wastewater Reclamation
Sheriff
Transportation

A. Definitions

1. "Civic duty leave" means periods of absence with pay and related benefits from regularly scheduled work approved in advance while:
 - a. Serving as a juror;
 - b. Responding to a subpoena to appear as a witness as hereinafter provided;
 - c. Serving as a member of a public service board, commission, or similarly constituted body;
 - d. Voting;
 - e. On short term Uniformed Service assignment as hereinafter provided.
2. "Consecutive years" means a twenty four (24) month consecutive period of time including the current and previous years. For the purposes of this section, "year" means the fiscal year of the United States Government (October 1 - September 30).
3. "Uniformed Service" means the United States Air Force, Army, Navy, Marine Corps, Coast Guard, the Arizona National Guard, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or to attend camps, maneuvers, formations or drills, or full-time National Guard duty, the Commissioned Corps of the Public Health Service and any other category of persons designated by the President in time of war or emergency.

B. Leave for Jury Duty

1. An employee summoned for duty as a juror shall appear as required for such duty and shall receive up to eight (8) hours leave with pay per day of jury duty. The employee on jury duty during regularly scheduled work hours shall remit the fees paid for such jury duty to the County. When the employee's presence as a juror is not officially required during regular work hours, the employee shall return to work until again called. However, an employee shall not be required to return to work if, because of the remoteness of the location of such work, the employee cannot respond to a call to return to jury duty with timeliness, or the employee cannot arrive at work at least one (1) hour before the end of a regularly assigned work shift.

B. 2. An employee on jury duty during regularly scheduled time off, or on annual leave or leave without pay, may keep any monies paid by the Courts.

C. Leave for an Employee Subpoenaed to Appear as a Witness

1. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal, when it relates to County business, shall be entitled to civic duty leave with pay. The Appointing Authority may authorize civic duty leave for an employee subpoenaed when such absence is for purposes which comply with this Policy. The Appointing Authority may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate.

2. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal due to a personal, commercial or business transaction, or due to the employee's own unlawful conduct or misconduct, shall not be entitled to civic duty leave with pay.

3. An employee who is paid a fee for an appearance as an expert witness while on civic duty leave shall remit such fee to the County.

D. Leave for Service on a Public Service Board or Commission

An Appointing Authority may authorize civic duty leave for an employee to attend meetings of a public service board or commission, provided the employee is an elected or appointed member of such a board or commission.

E. Time Off for Voting

1. Every County employee is encouraged to exercise the right to vote in all public elections.

2. An employee eligible and registered to vote in a state primary and general election may request time off for voting pursuant to ARS § 16-402. The employee may be absent with pay for one (1) hour at the beginning or ending of the shift as determined by the Appointing Authority on the day of the election for the purpose of voting.

3. Requests for time off for voting shall be made prior to the day of election. An employee may be required to provide evidence of eligibility to vote prior to approval for time off.

F. Leave for Short Term Uniformed Service

1. An employee ordered to Uniformed Service shall be granted civic duty leave up to two hundred forty (240) hours in any two (2) consecutive years in accordance with this Policy and in compliance with Arizona Revised Statutes (ARS § 38-610). Leave which occurs on an employee's regular scheduled days off is not to be charged against the 240-hour allotment. An employee ordered to the Uniformed Service shall provide the department with written notification of the leave, together with a copy of the employee's Uniformed Service orders. The notification shall be provided at least one (1) week in advance, whenever practicable.
2. An employee shall be granted Uniformed Service leave without pay, or may use accrued annual leave or compensatory time, for required Uniformed Service exceeding the two hundred forty (240) hours with pay cited in F.1. above.

G. Leave for Long Term Uniformed Service; Reemployment Rights

Leave for Uniformed Service shall be granted in accordance with this Policy and in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

1. A regular employee inducted, ordered, or enlisted into active service of the Uniformed Service shall be given the option to:
 - a. 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; or
 - b. Be placed on a leave of absence without pay ~~in the best interest of the County,~~ in accordance with County policy.
2. A regular employee inducted, ordered, or enlisted into active service of the Uniformed Service shall be reemployed in a position of like seniority, status and pay upon completion of active service if the employee:
 - a. Requests such reemployment in writing within ninety (90) calendar days of separation from Uniformed Service;
 - b. Possesses a certificate of satisfactory completion of service (Honorable Discharge, General Discharge, or Discharge under Honorable Conditions); and

- G. 2. c. Is still qualified to perform the duties of the position.
- 3. An employee's reemployment rights expire after five (5) years of continuous service in the Uniformed Service, unless reemployment rights extend beyond five (5) years under USERRA.

A. Administrative Leave

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 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

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" ~~includes~~ **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-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 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.
6. 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.
7. 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.
8. The Appointing Authority or designee may require a death certificate, obituary, or documentation from the funeral home.
9. Bereavement leave shall not be counted as hours worked for the purpose of computing overtime.

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. ~~Medical leave will end effective the date an employee is notified of his/her full or permanent long term disability coverage.~~ **UPON RECEIVING NOTIFICATION OF APPROVAL FOR LONG TERM DISABILITY COVERAGE, Employees receiving full coverage under long term disability 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 ~~Americans with Disabilities Act (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 other than School Board Member, the employee shall be placed on a leave of absence without pay if it is determined that the employee's election activities prevent the employee from performing his/her County duties, or 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.

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- G. 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.
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.

- H. 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.
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.

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 5. A leave of absence without pay shall not be granted for an employee to engage in outside employment.
 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. Definitions

1. "Allocation" means the assignment of a position to a classification.
2. "Reallocation" means a change in the assignment of a position to a classification.
3. "Reclassification" means a change in the classification of an incumbent employee.
4. "Official position audit" means the examination of the required duties and responsibilities of a position to determine whether the position is assigned to the appropriate classification.

B. Reallocation Actions

1. An official position audit may result in reallocation of a position to a classification at a higher or lower salary grade, or to the same salary grade in a new classification, or the audit may result in no reallocation.
2. 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 appropriation of additional funds, approval by the Board of Supervisors is required.

C. Reclassification Actions

1. If an audit results in a position being reallocated to a classification paid at a higher salary grade, and if the incumbent employee has been performing the duties of the higher classification as determined by the Appointing Authority, then the employee shall be reclassified.
2. If an audit results in a position being reallocated to a classification paid at a lower salary grade, and if the incumbent employee has been performing the duties of the lower classification as determined by the Appointing Authority, then the employee shall be reclassified.
3. If an audit results in a position being reallocated to a different classification paid at the same salary grade, and if the incumbent employee has been performing the duties of the different classification as determined by the Appointing Authority, then the employee shall be reclassified.

~~D. Reallocated Position Filled by Competitive Process~~

~~If an audit results in a position being reallocated to another classification, and if the incumbent employee has not been performing the duties of the new classification as determined by the Appointing Authority, the position shall be filled at the reallocated level by a competitive process.~~

~~If the incumbent employee is not selected to fill the position at the reallocated level as a result of the competitive process, then the employee must choose an applicable option available under Merit System Rule 8, or be laid off.~~

~~D.E. General Provisions~~

1. The Appointing Authority is responsible for notifying the employee of the final results of an official position audit.
2. In all cases of reclassification involving non-tested classifications, the incumbent employee must meet the minimum qualifications of the new classification.
3. In cases of reclassification involving tested classifications, the following shall apply:
 - a. If the employee is reclassified from a non-tested classification to a tested classification, or is reclassified from a tested classification to a higher-tested classification, and the employee has served in the former classification for a minimum of six (6) months, the employee shall be treated as having received the minimum test scores necessary to meet the minimum qualifications of the new classification and be reclassified. In such cases, the employee must pass the appropriate test in order to compete for future openings within the same classification for which they received the minimum test scores.
 - b. If the employee has served less than six (6) months in the reallocated classification, he/she must pass the appropriate test in order to be reclassified to the new classification.
4. In cases where the employee does not meet the minimum qualifications of the new classification, does not pass the test required in 3.b above, or does not accept the reclassification, the employee may take a reassignment if available, a voluntary demotion if available, or be laid off. The position shall then be filled by a competitive process.