



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date:

June 7, 2016

Title: Revisions to the Merit System Rules and Personnel Policies

Introduction/Background:

Proposed revisions to Merit System Rule 15

Proposed revisions to Personnel Policies 8-102, 8-105, 8-106, 8-115, 8-118 and 8-123

Discussion:

Merit System Rule 15 - EMPLOYEE PERFORMANCE APPRAISAL

MSR 15 D modifies the promotion probation appraisal cycle to conform with the truncating of the promotion probationary period to six (6) months that became effective February 16, 2016.

Personnel Policy 8-102 - PREMIUM PAY

PP 8-102 C.5 revises the process for payout of accumulated compensatory time when an employee changes from a non-exempt (eligible for overtime) status to an exempt (not eligible for overtime) classification or transfers from one County department to another.

PP 8-102 G revises shift differential qualification standards to align policy with practice.

Attachment I Adds Justice Courts to create a comprehensive list of departments that qualify for evening and night shifts.

Personnel Policy 8-105 - ANNUAL LEAVE

PP 8-105 D.4 clarifies that employees eligible for overtime are required to use annual leave for approved absences of a full work day or less when annual leave accruals are available.

Personnel Policy 8-106 - SICK LEAVE

PP 8-106 D.3 clarifies that employees eligible for overtime are required to use sick leave for approved absences of a full work day or less when sick leave accruals are available.

Personnel Policy 8-115 - MEDIATION

PP 8-115 C.4 clarifies that management and/or supervisory employees are not entitled to representation when mediating with and at the request of subordinate employees but may be assisted by a person of the department's choosing.

Personnel Policy 8-118 - PERSONNEL RECORDS

PP 8-118 C.2.h clarifies that documentation of all formal disciplinary actions and grievance actions not alleging discrimination when the grievance was filed based on a Letter of Reprimand shall only be placed in

an employee's official personnel file if the grievance is denied.

Personnel Policy 8-123 - TERMINATION

PP 8-123 B.1.d and B.3 aligns policy with practice.

Conclusion:

The revisions are required to align policy with current practices, update policy to align with previously adopted changes, and/or clarify and streamline existing practices

Recommendation:

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

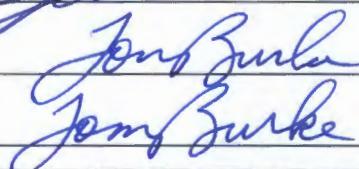
Fiscal Impact:

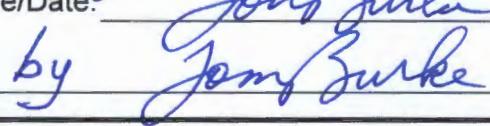
Board of Supervisor District:

1 2 3 4 5 All

Department: Human Resources Telephone: 724-8672

Department Director Signature/Date:  5/10/16

Deputy County Administrator Signature/Date:  5-10-16

County Administrator Signature/Date:  5-10-16

- A. Each Appointing Authority shall adopt an employee performance management process which provides for employee 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, **MANAGERS AND SUPERVISORS RESPONSIBLE FOR APPRAISING DIRECT REPORTS ARE TO:** ~~employees serving any type of probation are to be given a written appraisal of their performance at the mid-point of any type of probationary period and progress review discussions are to be conducted with the employee.~~
 - 1. **CONDUCT A MINIMUM OF ONE PROGRESS REVIEW DISCUSSION WITH EACH EMPLOYEE PER APPRAISAL CYCLE, AND**
 - 2. **PROVIDE WRITTEN MID-PROBATION APPRAISALS TO EMPLOYEES SERVING ANY TYPE OF PROBATIONARY PERIOD, WITH THE EXCEPTION OF PROMOTION PROBATION WHICH ONLY REQUIRES AN END-OF-PROBATION APPRAISAL.**

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, **EXCEPT AS NOTED BELOW**, and shall be eligible to use and/or accrue compensatory time in accordance with his/her current employment type. **AN EMPLOYEE WHO CHANGES STATUS FROM A NON-EXEMPT EMPLOYEE TO AN EXEMPT EMPLOYEE OR WHO TRANSFERS FROM ONE COUNTY DEPARTMENT TO ANOTHER SHALL BE PAID FOR ANY ACCUMULATED COMPENSATORY TIME AT THE CURRENT HOURLY RATE IN EFFECT AT THE TIME OF THE TRANSFER OR VACATING OF THE NON-EXEMPT POSITION. AN EMPLOYEE WHO IS IN A DETAIL ASSIGNMENT TO AN EXEMPT CLASSIFICATION AT THE TIME SHALL BE PAID FOR ACCUMULATED COMPENSATORY TIME AT THE HOURLY RATE HELD PRIOR TO THE DETAIL ASSIGNMENT.**

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.

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. 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.
5. 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.
6. 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
JUSTICE COURT AJO
JUSTICE COURT GREEN VALLEY
JUSTICE COURT TUCSON
Library
Medical Examiner
Regional Wastewater Reclamation
Sheriff
Transportation

A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue annual leave from date of appointment.

An eligible employee receiving pay for forty (40) or more hours per pay period shall accrue annual leave as specified in 8-105 B.

2. New hire employees hired under the Pima County Trainee Program are eligible to accrue annual leave from date of appointment.
3. Temporary employees extended beyond the first six (6) months of employment shall accrue and may use annual leave beginning with the pay period following six (6) months of continuous and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with annual leave from original date of hire.
4. For the purpose of annual leave rate of accrual, no credit shall be allowed or given to establish years of service using prior employment with Pima County where there was a break in service, except for reinstatement or reemployment, as defined in these Merit System Rules and Personnel Policies.

B. Rate of Accrual

An eligible employee shall accrue annual leave as follows:

1. An employee with fewer than three (3) years of service (established by anniversary date) shall accrue annual leave at the rate of .04625 per hour in a pay status (not to exceed 3.7 hours per pay period.)
2. An employee with three (3) to seven (7) years of service (established by anniversary date) shall accrue annual leave at the rate of .058125 per hour in a pay status (not to exceed 4.65 hours per pay period.)
3. An employee with seven (7) to fifteen (15) years of service (established by anniversary date) shall accrue annual leave at the rate of .069375 per hour in pay status (not to exceed 5.55 hours per pay period.)
4. An employee with more than fifteen (15) years of service (established by anniversary date) shall accrue annual leave at the rate of .080875 per hour in pay status (not to exceed 6.47 hours per pay period.)
5. Annual leave shall accrue during any approved leave of absence with pay.

B. 6. Annual leave shall not accrue during any leave of absence without pay or suspension without pay, i.e., employees must be in a pay status to accrue annual leave. Any pay received based upon catastrophic leave hours will not be calculated for accrual purposes.

C. Annual Accumulation

1. An eligible employee may carry over, from one (1) consecutive twelve (12) month period (established by anniversary date) to the next, a maximum of two hundred forty (240) hours of annual leave.

In exceptional circumstances, an Appointing Authority may request County Administrator approval for an employee to retain annual leave in excess of two hundred forty (240) hours with the expectation that the employee will reduce his/her annual leave balance to 240 hours within the following anniversary year. If the employee has annual leave in excess of two hundred forty (240) hours upon his/her subsequent anniversary date, annual leave hours in excess of two hundred forty (240) will automatically be transferred to sick leave pursuant to 8-105 H.

2. The sick leave hours converted to annual leave for payout purposes as specified in 8-106.H, I and J shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

D. Use of Annual Leave

1. An eligible employee in the classified service may use annual leave after completion of six months of initial probation. Accrued annual leave may be used prior to completion of six months of initial probation for a job-related illness or job-related injury. New hire trainees who have completed six (6) months of the Pima County Trainee Program may use annual leave in the same manner as those in the classified service. Unclassified employees or employees not subject to initial probation may use annual leave upon accrual.
2. Annual leave accruals earned at the end of the current pay period are not available for use until the following pay period.

Employees receiving workers' compensation benefits who have exhausted all accrued leave balances may utilize annual leave accruals during the pay period earned.

3. Annual leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using annual leave.

- D. 4. All employees are encouraged to take a two-week vacation per year for the purpose of rest and recuperation.
- 5. An Appointing Authority may require that an employee postpone or change scheduled annual leave for good cause.
- 6. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued annual leave for approved absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use annual leave for approved absences of ~~less~~ than a full work day **OR LESS**.
- 7. Use of annual leave for Family and Medical Leave Act (FMLA) reasons is provided for by administrative procedures which comply with the FMLA.

E. Leave Requests

Unless waived by the Appointing Authority, an employee shall submit a written request for approval of annual leave at least two (2) weeks in advance of the intended absence and indicate the dates and duration of the requested annual leave. The Appointing Authority or designee shall respond to such request within one (1) week of receipt.

F. Disposition of Accrued Leave

An employee who transfers from one County department to another shall retain any accumulated annual leave. An employee who changes from one employment type to another shall retain any accumulated annual leave and shall be eligible to use and/or accrue annual leave in accordance with his/her current employment type.

G. Catastrophic Leave Bank Program

An employee may contribute a portion of his/her annual leave to the catastrophic leave bank. An eligible employee who is experiencing catastrophic circumstances may apply for and receive catastrophic leave provided:

- 1. The recipient is enrolled in the catastrophic leave bank program.
- 2. The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA) as set forth in County administrative procedures. As the FMLA criteria change, so will the catastrophic leave criteria.

- G. 3. The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
- 4. There is a positive balance in the catastrophic leave bank.

After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.

Implementation and administration of the catastrophic leave bank program are set out by administrative procedures.

Denial of a request for leave hours from the catastrophic leave bank is not grievable or appealable.

H. Transfer of Accrued Annual Leave Hours to Sick Leave

In order to prevent the loss of annual leave and supplement the accrual of sick leave, any amount of accrued annual leave hours in excess of two hundred forty (240) will automatically be transferred to sick leave on the employee's anniversary date.

A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue sick leave from date of appointment.

An eligible employee receiving pay for forty (40) or more hours per pay period shall accrue sick leave as specified in 8-106 B.

2. New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.
3. A temporary employee extended beyond the first six (6) months of employment shall accrue and may use sick leave beginning with the pay period following six (6) months of continuous service and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with sick leave from original date of hire.
4. Upon returning to County employment, an employee who retired from Pima County with 240 or fewer hours of unused sick leave accruals is eligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2 unless the employee contributed the balance of hours held at retirement to the catastrophic leave bank.
5. Upon returning to County employment, any employee who converted sick leave hours to annual leave for payout purposes is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
6. An employee who is reinstated or reemployed and did not convert sick leave hours to annual leave for payout purposes shall, upon passing initial probation or earlier when probation does not apply, regain the accrued sick leave hours held at the time of termination.

B. Rate of Accrual

1. An eligible employee shall accrue sick leave at the rate of .04625 per hour in a pay status (not to exceed 3.7 hours per pay period.)
2. Sick leave shall accrue during any approved leave of absence with pay.
3. Sick leave shall not accrue during any leave of absence without pay or suspension without pay, i.e., employees must be in a pay status to accrue sick leave. Any pay received based upon catastrophic leave bank hours will not be calculated for accrual purposes.

C. Accumulation

An employee may accumulate sick leave up to a maximum of one thousand nine hundred twenty (1,920) hours. Any accumulation in excess of this maximum shall not be credited to the employee.

D. Use of Sick Leave

1. An eligible employee may use sick leave after three (3) months of continuous service. Accrued sick leave may be used prior to the first three (3) months of service for a job-related injury or job-related illness.
2. Sick leave accruals earned at the end of the current pay period are not available for use until the following pay period.

Employees receiving workers' compensation benefits who have exhausted all accrued leave balances may utilize sick leave accruals during the pay period earned.

3. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued sick leave for absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use sick leave for absences of ~~less than~~ a full work day **OR LESS**.
4. Sick leave may be used for:
 - a. Illness of the employee or any surgical, medical, or dental care for the employee. An employee who requires leave for medical reasons may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993, Personnel Policy 8-108 G. Use of sick leave for FMLA reasons is provided for by administrative procedures which comply with the FMLA
 - b. The illness of a spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, domestic partner or child of a domestic partner. The employee must file an affidavit with the department in order to take sick leave for the illness of the domestic partner or 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.

Use of sick leave as defined above is for a combined maximum of forty (40) hours per year (established by anniversary date). An employee who must care for a seriously ill spouse, child, or parent as defined in the Family and Medical Leave Act may be eligible for FMLA leave.

- c. Parental reasons, such as court appearance, registration of child(ren) for school, teacher conference, or adoption procedure that can only be scheduled during business hours. Paternity leave is included under leave for parental reasons for those employees not eligible for paternity leave under FMLA, Personnel Policy 8-108 G. Leave for parental reasons should be requested in advance, when possible. Leave for parental reasons is included in and not in addition to the forty (40) hour maximum cited in Paragraph 3.b. above.
- d. The birth and/or care of a child, or the placement of a child for adoption, foster care, or other legal custody. Employees who request leave for these reasons may be eligible for FMLA leave, Personnel Policy 8-108 G.
- e. Attendance at court proceedings under the Arizona Victim Leave Law, as detailed in Personnel Policy 8-108 H.

- 5. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using sick leave.
- 6. An employee using annual leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.
- 7. In order to discourage excessive use of sick leave, up to a maximum of fifty-six (56) hours of the unused portion of sick leave accrued during the current year (established by the end of the pay period in which the anniversary date falls) shall be converted to annual leave. Any sick leave used during the current anniversary year will be deducted from the fifty-six (56) hour maximum to determine the amount available for conversion. (Example: If only eight (8) hours of sick leave have been used during the anniversary year, the employee may transfer up to forty eight (48) hours of sick leave to annual leave. If fifty-six (56) or more hours of sick leave have been used during the anniversary year, the conversion will not occur).

This conversion will occur on the employee's anniversary date. Any employee who wishes to transfer unused sick leave that was converted to annual leave back to sick leave shall make a request to central payroll

within thirty (30) calendar days after the conversion occurred. This transfer applies to all permanent employees and to Deputy Sheriffs who have completed one (1) year of their initial probation, including those who have two hundred forty (240) or more hours accrued on their anniversary date, after the adjustment to two hundred forty (240) hours has been made.

As an equivalent to full-time conversion, part-time and variable-time employees are eligible to have fifty-eight percent (58%) of sick leave hours accrued during the current year (established by the end of the pay period in which the anniversary date falls), less any sick leave used, automatically converted to annual leave.

E. Leave Requests

To utilize sick leave, an employee must:

1. Report promptly to his/her immediate supervisor or department, giving the reason for the absence.
2. Keep the immediate supervisor or the department informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with the above may constitute an unauthorized absence without pay.
3. Provide the department written verification from a recognized physician or medical practitioner for use of sick leave lasting more than three (3) work days. Unless waived by the Appointing Authority, verification shall be provided upon return to work, or as requested by the department, and may be provided by mail or messenger if required.
4. Permit the County to make verification of the illness in cases of suspected abuse of this Policy.
5. Submit a written request for extended sick leave (over three [3] work days) to the department at least two (2) weeks in advance of the intended absence, or as soon as possible after an emergency situation arises which requires extended sick leave. The dates and duration of the sick leave should be noted in the written request. Requests for extended absences are reserved for situations involving an operation or hospitalization. Approval must be obtained from the department's authorized representative prior to the beginning of an extended sick leave. A department may authorize an extended sick leave in emergency situations when advance approval cannot be obtained.

E. 6. Submit leave requests under the provisions of FMLA consistent with Personnel Policy 8-108 G. and County administrative procedures.

F. Disposition of Accrued Sick Leave

1. An employee who transfers from one County department to another shall retain any accumulated sick leave. An employee who changes from one employment type to another shall retain any accumulated sick leave and shall be eligible to use and/or accrue sick leave in accordance with his/her current employment type.
2. A permanent status employee who either resigned in good standing in accordance with Merit System Rules/Law Enforcement Merit System Rules or who was laid off and did not convert hours pursuant to PP 8-106.I and who returns to County employment within two (2) years from the effective date of resignation or layoff shall, upon passing probation, regain the accrued sick leave held at the time of resignation or layoff.

G. Catastrophic Leave Bank Program

An employee may contribute a portion of his/her sick leave to the catastrophic leave bank. An eligible employee who is experiencing catastrophic circumstances may apply for and receive catastrophic leave provided:

1. The recipient is enrolled in the catastrophic leave bank program.
2. The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA) as set forth in County administrative procedures. As the FMLA criteria change, so will the catastrophic leave criteria.
3. The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
4. There is a positive balance in the catastrophic leave bank.

After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.

Implementation and administration of the catastrophic leave bank program are set out by administrative procedures.

Denial of a request for leave hours from the catastrophic leave bank is not grievable or appealable.

H. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

1. A conversion of unused sick leave hours to annual leave upon retirement shall occur for employees taking normal, early or permanent disability retirement.
2. Eligibility is limited to those employees who retire from County service into the Arizona State Retirement System, Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan.
3. Conversion of unused hours of sick leave to annual leave shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>Conversion To Annual Leave</u>
0 - 240 hours	0% of all hours up to 240
240.01 - 480 hours	25% of all hours up to 480
480.01 - 720 hours	35% of all hours up to 720
720.01 hours or more	50% of all hours

4. Excess annual leave converted to sick leave shall be included in the conversion calculation in H.3 above.

The hours of sick leave converted to annual leave for retirement payout purposes shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

I. Conversion of Sick Leave Hours to Annual Leave Upon Layoff

1. A conversion of unused sick leave hours to annual leave upon layoff is available to employees upon request and prior to the date of layoff. If an employee requests and receives this payout and returns to County employment, he or she is ineligible for reinstatement of sick leave hours under Personnel Policy 8-106 F.2.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

J. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees

1. An unclassified employee may convert unused sick leave hours to annual leave upon request if his/her County position is eliminated due to the employee being transitioned into a non-county entity.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

- A. Mediation is a method of dispute resolution in which a neutral third party assists disputing parties in communicating and developing mutually agreeable solutions to an identified conflict. The goal of mediation is to resolve conflicts. No determination will be made on the merits of the dispute.
- B. The Director of Human Resources shall be responsible for the operation of the mediation program.
- C. Mediation may be used to resolve any work-related dispute concerning misinterpretation, misapplication, or unequal enforcement of the Merit System Rules, Personnel Policies, Administrative Procedures, and/or department procedures. Pursuant to Merit System Rule 13, employees must attempt mediation prior to filing a formal grievance, except for grievances pertaining to Letters of Reprimand or allegations of sexual harassment or workplace harassment. Contacting the Human Resources Department and either proceeding with mediation or receiving notification that mediation is inappropriate constitutes an attempt.
 - 1. Any County employee may initiate the mediation process by contacting Human Resources. An initial appointment shall be scheduled by Human Resources within ten (10) business days from the date of first contact with the employee. At the initial appointment, the employee will inform Human Resources of the issue(s) in dispute. Human Resources shall then determine if mediation is appropriate.
 - 2. If a determination is made to mediate, the mediation session shall commence within ten (10) business days of the initial appointment, unless the time is extended for good cause.
 - 3. ~~With the exception stated in C.4 below, Employees participating in mediation are entitled to be assisted by a willing person of the employee's choosing who may participate in the discussions during mediation. If the employee requesting mediation decides to bring an assistant, the other party will be given the opportunity to do so as well. Both participating employees shall receive notice of a scheduled mediation at least three (3) full work days from the date of written notification. If either party has not obtained an assistant in the timeframe established, the mediation will proceed as scheduled.~~
 - 4. When an employee requests mediation with his/her supervisor, the requesting employee is entitled to be assisted by a willing person of the employee's choosing who may participate in the discussions during mediation. Management and/or supervisory employees are not entitled to representation when mediating with and at the request of subordinate employees **BUT MAY BE ASSISTED BY A PERSON OF THE DEPARTMENT'S CHOOSING.**

- C. 5. Human Resources may determine that the mediation would more appropriately be conducted in separate sessions for each disputing party.
- 6. Human Resources shall establish and provide to each disputing party the Ground Rules for Mediation. Prior to the start of the mediation session, each party shall sign a confidentiality agreement. Violation of the confidentiality agreement may result in disciplinary action.
- 7. If the mediation is successful, a written agreement will be drafted and signed by the disputing parties. Human Resources will give a copy of the agreement to each of the disputing parties.
- 8. If mediation is not successful, or if it is determined that mediation is inappropriate, Human Resources shall provide written notification to the disputing parties.

D. Human Resources shall maintain the following information pursuant to State law:

- 1. The confidentiality agreement;
- 2. The written agreement or notification that mediation was not successful;
- 3. Mediation notes.

A. Definitions

1. "Record" means any information maintained on an individual with his/her name and/or other identification.
2. "Official personnel file" means any employment information maintained on current or former County employees.
3. "Maintain" means collect, file, update, use, or disseminate.
4. "Access" means to have permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this Policy.
5. "Official insurance file" means insurance and benefits information maintained on current County employees.
6. "Official payroll file" means any payroll information maintained on current County employees.
7. "Custodian of Records" means the person(s) designated by the County Administrator to be in charge of official employee records. For the purpose of inquiries and/or subpoenas, the Director of Human Resources is designated the Custodian of personnel records and the Director of Finance and Risk Management is designated the Custodian of financial records.

B. General

1. Effective personnel administration requires the gathering and use of information concerning employees. Personnel files shall be established and maintained in a manner designed to protect the privacy of all concerned.
2. Each Appointing Authority is responsible for ensuring that employment information is filed in the appropriate personnel file.
3. To avoid inappropriate disclosure of records pertaining to County employees, all inquiries for personnel information shall be referred to the Custodian of personnel records and all inquiries for payroll information shall be referred to the Custodian of financial records. Departments shall instruct all employees that inquiries regarding current and former employees, made either verbally or in writing, are to be referred to the appropriate Custodian of records. This Policy shall be adhered to regardless of how routine or insignificant the inquiry may be.

C. Official Personnel Files

1. Official personnel files shall be maintained by Human Resources and are the property of Pima County Government.
2. Each official personnel file should contain documentation of official personnel actions and the following information:
 - a. Employee's name;
 - b. Social Security Number;
 - c. Employee emergency information;
 - d. Employment application(s) prior to July 25, 2014;
 - e. County Personnel Action Forms and supporting documentation;
 - f. Loyalty Oath;
 - g. Performance Appraisal Forms;
 - h. Documentation of all formal disciplinary actions and grievance actions not alleging discrimination when the grievance was filed based on a Letter of Reprimand, **ONLY IF THE GRIEVANCE IS DENIED**;
 - i. Relevant credentials and/or verification of transcripts or diplomas as stated on the application prior to July 25, 2014;
 - j. A copy of the Pima County Drug-Free Workplace Agreement signed by the employee;
 - k. Electronic Mail Procedure Acknowledgment prior to January 25, 2008;
 - l. Preventing Workplace Harassment Acknowledgment;
 - m. Employee Consent to Pima County's Disclosure of Employment Information and Release of Liability Form prior to July 25, 2014;
 - n. Applicant Consent to Release Liability and Reference Information Form and accompanying reference check documentation prior to July 25, 2014;
 - o. Eligibility for Reinstatement of Sick Leave Hours Form.

D. Official Insurance Files

Official insurance files are maintained by Human Resources and should contain the following information:

1. Medical membership records;
2. Dental membership records;
3. Life insurance membership records;
4. Other supplemental benefit records.

E. Form I-9 Employment Eligibility Verification Archive Files

Official Form I-9 archive files are maintained by Human Resources and shall contain the following information:

1. Form I-9, Employment Eligibility Verification;
2. Supporting documentation.

F. Official Payroll Files

1. Official payroll files are maintained by the Finance and Risk Management Department and should contain the following documents:
 - a. W-4 Forms;
 - b. Arizona State Retirement Fixed Benefit Plan Enrollment Form, Application for Return of Contributions Form and/or Change of Beneficiary Designation Form;
 - c. Authorizations for deductions;
 - d. U.S. Military Selective Service Act Compliance Form.
2. The Finance and Risk Management Department shall respond to civil subpoenas for any payroll records in the same manner outlined in H.5 below.

G. Department Files

1. Department personnel files should contain the following information:
 - a. Employee's name;
 - b. Social Security Number;
 - c. Classification title and classification code;
 - d. Employee emergency information;
 - e. Copies of Personnel Action Forms;
 - f. Performance Appraisal and Performance Plan forms;
 - g. Documentation of all formal and informal disciplinary and grievance actions;
 - h. Letters of commendation;
 - i. Educational Reimbursement Application Forms;
 - j. Outside Employment Permission forms;
 - k. Computer Use and Electronic Mail Procedure acknowledgments;
 - l. Termination arrangements (non-medical) as found in Personnel Policy 8-123.A.6.
2. Department medical files should contain the following information:
 - a. Workers' compensation reports:
 - (1) Initial reports (Supervisor's Report of Industrial Accident/Injury; Employer's Report of Industrial Injury);
 - (2) Work status documentation from health care provider;
 - b. Accident /Injury reports;
 - c. Records and documents relating to medical certifications or medical history except for Family and Medical Leave Act (FMLA) related medical documents dated on or after January 16, 2009, including medical certification forms;

- G. 2.
 - d. Hepatitis B Vaccination Consent/Declination Form;
 - e. Pima County Risk of Exposure Notification;
 - f. Termination arrangements (verification from medical provider) as found in Personnel Policy 8-123.A.6.
3. Upon request, departments shall provide an opportunity for employees to review their department files.
4. Department files shall be relocated to the receiving department when an employee transfers. The transferring department may retain the following information:
 - a. Employee's name;
 - b. Address;
 - c. Social Security Number;
 - d. History of personnel actions as indicated on County Personnel Action Forms.
5. Any employee records maintained by the department, aside from those contained in the official department personnel file, shall contain no adverse material that is not contained in the official department personnel file. For the purpose of employee performance management, notations related to deficiencies in identified performance factors may be maintained in a supervisory file provided the performance issue(s) has been discussed with the employee and the notation(s) removed after a disciplinary or non-disciplinary action and/or performance appraisal has been issued.

H. Access to Personnel Files

1. Official personnel files shall not be disclosed except as required by law. The following persons may be allowed access to official personnel files:
 - a. Members of the Board of Supervisors;
 - b. The County Administrator or designee;
 - c. The employee or the employee's designated representative who has written authorization from the employee;
 - d. Authorized County staff with the approval of the Director of Human Resources or designee;

- H. 1. e. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records;
- f. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of the audit;
- g. The employee's Appointing Authority or designee.
2. The Director of Human Resources may provide access to persons other than those cited in this Policy upon determination that such persons in the course of their official duties have a valid need-to-know.
3. Department personnel files shall not be disclosed except as required by law. The following persons may be allowed access:
 - a. The County Administrator or designee;
 - b. The employee or the employee's designated representative, who has written authorization from the employee;
 - c. The Appointing Authority and authorized departmental staff;
 - d. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records.
4. Appointing Authorities and/or the Director of Human Resources shall require reasonable identification of individuals requesting information to ensure that records are disclosed only to the proper persons.
5. Human Resources shall respond to civil subpoenas for any personnel records as follows:
 - a. Notify the affected employee;
 - b. Determine whether to seek, through the County Attorney, a protective order restricting dissemination to only such materials as are necessary and proper; and
 - c. Comply with the subpoena as required by law.

- H. 6. Each employee and/or his/her authorized representative has the right to review the employee's personnel files. With reasonable notice given to Human Resources, files may be reviewed at Human Resources in the presence of authorized staff.
- 7. Employees shall be provided with copies of their own personnel records for a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.

A. Obligations Employees Have to the County Upon Termination

1. A resigning employee shall submit a written resignation to an appropriate supervisor at least ten (10) business days before planning to leave County service, unless the time frame has been modified or waived by the Appointing Authority. 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. Failure to provide such timely notice could jeopardize consideration for future employment with the County.
2. The employee shall adhere to checkout procedures as outlined by the Appointing Authority. Checkout procedures to be completed by a terminating employee shall include but not be limited to:
 - a. Return of all equipment and supplies to the designated unit charged with their maintenance. This includes keys, identification cards, clothing, etc.;
 - b. Payback of any outstanding financial obligations such as educational reimbursement, travel advances, personal telephone expenses, etc.;
 - c. Arrangement for final pay from the departmental payroll section; ARS § 23-353 provides:
 - (1) Employees who are dismissed shall be paid wages due within seven (7) business days or at the end of the next regular pay period, whichever is sooner.
 - (2) Employees who resign shall be paid in the usual manner all wages due no later than the regular payday for the pay period during which the termination occurred.
 - d. Exit interviews, when offered.
3. An employee who voluntarily terminates employment with the County within six (6) months of receipt of uniform allowance shall return fifty percent (50%) of monies received for the uniforms or have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not bring the employee's pay below the required minimum wage or overtime levels.

A. 4. An employee who voluntarily terminates employment with the County within six (6) months of receipt of educational reimbursement shall return fifty percent (50%) of monies received or arrange with the department to have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not cause the employee's pay to fall below the required minimum wage or overtime levels.

5. Training Reimbursement

a. Corrections Officers and Deputy Sheriffs who voluntarily terminate employment with Pima County and who accept a position with another Law Enforcement Agency within one (1) year of completing their basic training shall return one hundred percent (100%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided such return does not bring the employee's pay below the required minimum wage or overtime levels.

b. Except to the extent it conflicts with Federal minimum wage and overtime requirements, Corrections Officers who otherwise voluntarily terminate employment with Pima County within three (3) months of being hired shall return seventy-five percent (75%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s). Corrections Officers who otherwise voluntarily terminate employment with Pima County after three (3) months of being hired and prior to the end of their initial hire probation shall return fifty percent (50%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) to the extent it does not reduce the wages of the employee below the minimum required by Federal law.

c. Except to the extent it conflicts with Federal minimum wage and overtime requirements, Deputy Sheriffs who otherwise voluntarily terminate employment with Pima County within five (5) months of being hired shall return seventy-five percent (75%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s). Deputy Sheriffs who otherwise voluntarily terminate employment with Pima County after five (5) months of being hired and prior to the end of their initial hire probation shall return fifty percent (50%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not bring the employee's pay below the required minimum wage or overtime levels.

A. 5. d. Any other employee who voluntarily terminates employment with the County within six (6) months of completing any job-related training session or conference, wherein the training or conference fee exceeds five hundred dollars (\$500.00), shall return fifty percent (50%) of the training/conference fee or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided the reimbursement does not result in payment to the employee of less than the amount required by applicable minimum wage and/or overtime requirements.

6. An employee shall work the two (2) weeks prior to resignation unless other arrangements are made with the Appointing Authority and a letter stating the arrangements is forwarded to the employee's department personnel file. The Appointing Authority shall not grant the use of sick leave during this time without verification from a medical practitioner.

a. An employee currently on continuous FMLA leave is exempt from Personnel Policy 8-123 A.6 above.

b. For an employee on intermittent FMLA leave, the work arrangement may be based on the medical certification on file and, at the discretion of the Appointing Authority, verification may not be required.

B. Pima County's Obligation to Terminating Employees

1. Annual Leave

a. Termination

While on initial probation, a terminating employee who has completed six (6) months of his/her initial probation shall receive payment for accrued annual leave in the same manner as permanent employees. Employees hired under the Pima County Trainee Program who have completed six (6) months of the program shall receive payment for accrued annual leave in the same manner as permanent employees. All permanent employees shall receive payment for annual leave hours accrued through the pay period in which the effective date of termination occurs, up to a maximum of two hundred forty (240) hours.

b. Layoff

All accrued annual leave hours shall be paid to the laid-off employee.

B. 1. c. Death

All accrued annual leave hours shall be paid to the surviving spouse or to the estate of the deceased.

d. Retirement

An eligible employee who retires from County service shall have any annual leave in excess of two hundred forty (240) hours automatically converted to sick leave and paid out pursuant to Personnel Policy 8-106 H. The unused hours of sick leave converted to annual leave for retirement payout purposes shall not be included in the calculation of the two hundred forty (240) hours annual leave payoff limit.

~~All annual leave hours paid to a terminating employee shall include shift differential and assignment pay in effect at the time of termination.~~ An employee who is detailed to a higher position at the time of termination shall be returned to his/her previous position as of the effective date of termination and shall be paid for accrued annual leave hours at the rate of the previous position.

2. Sick Leave

a. Termination

Except as provided in Subsections b., c., d. and e. below, accrued sick leave shall not be paid to any terminating employee.

b. Retirement

An employee taking normal, early or permanent disability retirement shall be paid for unused, accrued sick leave pursuant to Personnel Policy 8-106 H.

c. Death

Using the conversion formula cited in Personnel Policy 8-106 H.3, unused hours of sick leave shall be converted to annual leave and paid to the surviving spouse or to the estate of the deceased. The employee need not be eligible for retirement at the time of death in order for the conversion to be calculated and the payment to be made.

B. 2. d. Layoff

A conversion of unused sick leave hours to annual leave upon layoff is available to employees upon request and prior to the date of layoff. If an employee requests and receives this payout and returns to County employment, he or she is ineligible for reinstatement of sick leave hours under Personnel Policy 8-106 F.2.

e. Unclassified Employees

Using the conversion formula cited in Personnel Policy 8-106 H.3, a conversion of unused sick leave hours to annual leave upon termination is available to an unclassified employee upon request if his/her County position is eliminated due to the employee being transitioned to a non-County entity.

3. Compensatory Time

Accrued compensatory time shall be paid to terminating employees to a maximum of one hundred twenty (120) hours. ~~Shift differential and assignment pay in effect at the time of termination shall be included in the calculation of payment for compensatory time.~~ An employee who is detailed to a higher position at the time of termination shall be returned to his/her previous position effective the last day of employment and shall be paid for accrued compensatory time at the rate of the previous position.