



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 07/6/2021

Title: Proposed Changes to Personnel Policies 8-111, 8-114, and 8-119

Introduction/Background:

Proposed revisions to Personnel Policies 8-111 Outside Employment, 8-114 Drug Testing and Post-Offer Evaluations, and 8-119 Rules of Conduct.

Discussion:

Modifications to Personnel Policies 8-111, 8-114, and 8-119 as identified in the attached Summary of Revisions dated June 7, 2021. The proposed revisions were sent to Department Heads, Elected Officials, and employee association groups for review and comment.

Conclusion:

Modifications to remain consistent with attached June 7, 2021 Summary of Revisions.

Recommendation:

That the Board of Supervisors approve the modifications to Personnel Policy 8-119 as outlined above to become effective upon adoption.

Fiscal Impact:

None

Board of Supervisor District:

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Department: Human Resources

Telephone: 724-8028

Contact: Cathy Bohland

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Department Director Signature/Date:

[Signature] 6/7/2021

Deputy County Administrator Signature/Date:

[Signature] 6/8/2021

County Administrator Signature/Date:

C. Delaney 6/8/21

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June 7, 2021

SUMMARY OF REVISIONS

Personnel Policy 8-111

Outside Employment

- B.1-2. Reformat and addition of guidance for part-time employees.
- C.5. Addition for current and/or future pandemics: outside employment conditions may be added by County Administrator based on the County's needs.
- F.1.c. Change Risk Management to Human Resources Occupational Medicine.
- F.2. Change Risk Management to Human Resources Occupational Medicine.

Personnel Policy 8-114

Drug Testing and Post-Offer Evaluations

Personnel Policy 8-119

Rules of Conduct

This is a complete re-write of the Administrative Procedure dated August 18, 2016, in order to put it into an organized, sensible format.

FORMAT

- Clearly articulates IV Sections
 - I. Statement – (no change)
 - II. Definitions – Concise, accurate definitions
 - III. Responsibilities – Clearly outlines duties for
 - Department Personnel Representative
 - Subject Matter Expert
 - Appointing Authority
 - Human Resources
 - IV. Approval Flow – Identifies flow for approval of a requisition and new hire

SIGNIFICANT CHANGES:

- III(C) – Appointing Authorities (or designee) are responsible to approve all requisitions and new hires in the applicant tracking system.

- IV(A) – County Administrator removed from approval path for requisitions in the applicant tracking system; however, remains in approval path for Elected Office Departments.

A. Definition

"Outside employment" means active participation in any business-related activity which results in reportable income to the Internal Revenue Service.

Outside employment must be compatible with the full and proper discharge of the duties and responsibilities of County employment. It shall not impair the employee's capacity to perform the County duties and responsibilities in an acceptable manner.

B. Eligibility

~~An Appointing Authority may grant a regular full-time employee approval for outside employment, limited to a maximum of twenty (20) hours per week, or twenty-four (24) hours per week if justified by the Appointing Authority and approved by the County Administrator, if:~~

- ~~1. Such outside employment has no actual or potential conflict with the employee's official duties;~~
- ~~2. The outside employment does not require an amount of time or effort which shall prevent the rendering of good service to the County;~~
- ~~3. The outside employment does not prevent the employee from performing overtime, on-call, or callback work when requested to do so.~~

1. **AN APPOINTING AUTHORITY MAY GRANT AN EMPLOYEE APPROVAL FOR OUTSIDE EMPLOYMENT, IF:**
 - A. **SUCH OUTSIDE EMPLOYMENT HAS NO ACTUAL OR POTENTIAL CONFLICT WITH THE EMPLOYEE'S OFFICIAL DUTIES;**
 - B. **THE OUTSIDE EMPLOYMENT DOES NOT REQUIRE AN AMOUNT OF TIME OR EFFORT WHICH SHALL PREVENT THE RENDERING OF GOOD SERVICE TO THE COUNTY; AND**
 - C. **THE OUTSIDE EMPLOYMENT DOES NOT PREVENT THE EMPLOYEE FROM PERFORMING OVERTIME, ON-CALL, OR CALLBACK WORK WHEN REQUESTED TO DO SO.**
2. **OUTSIDE EMPLOYMENT FOR REGULAR FULL-TIME EMPLOYEES IS LIMITED TO A MAXIMUM OF TWENTY (20) HOURS PER WEEK, OR TWENTY-FOUR (24) HOURS PER WEEK IF JUSTIFIED BY THE APPOINTING AUTHORITY AND APPROVED BY THE COUNTY**

ADMINISTRATOR. OUTSIDE EMPLOYMENT FOR REMAINING EMPLOYEES IS LIMITED TO A MAXIMUM NUMBER OF HOURS AS DETERMINED BY THE APPOINTING AUTHORITY.

C. Procedure

1. Any regular County employee desiring to engage in outside employment shall provide information to the Appointing Authority concerning the duties and the hours of employment.
2. Permission to perform outside employment shall require prior approval of the Appointing Authority on the official form provided by Human Resources.
3. It is the responsibility of the employee to report any change in the status/duties pertaining to outside employment to the Appointing Authority. Any change in classification and/or department shall require new approval for outside employment.
4. Permission for outside employment must be renewed annually by calendar year.
5. **ADDITIONAL OUTSIDE EMPLOYMENT CONDITIONS MAY BE ADDED BY THE COUNTY ADMINISTRATOR BASED ON THE COUNTY'S EMERGENCY PANDEMIC NEEDS.**

D. Department Responsibility

It shall be the responsibility of each Appointing Authority to maintain records on approvals and to periodically review them for compliance with this Policy. The Appointing Authority shall retain the form in the employee's department personnel file, with a duplicate copy to the employee.

E. Family and Medical Leave

Any employee on Family and Medical Leave for his/her own serious health condition shall not work outside employment unless:

1. Approval has been obtained from the Appointing Authority, and
2. The employee has a valid medical statement that the approved outside employment shall in no way interfere with normal convalescence or prolong the employee's absence from County service.

Employees on Family and Medical Leave and under restriction limiting the number of hours that may be worked shall also obtain approval from Human Resources-FMLA Administration prior to working outside employment.

F. Workers' Compensation

1. Any employee on sick leave or workers' compensation shall not work outside employment unless:
 - a. Approval has been obtained from the Appointing Authority, and
 - b. The employee has a valid medical statement that the approved outside employment shall in no way interfere with normal convalescence, or prolong the employee's absence from County service.
 - c. Employees on workers' compensation and under restriction limiting the number of hours that may be worked shall also obtain approval from **HUMAN RESOURCES OCCUPATIONAL MEDICINE**—Risk Management.
2. Any injury occurring during outside employment must be reported to and recorded by the Appointing Authority. Copies of the report shall be sent to the **HUMAN RESOURCES OCCUPATIONAL MEDICINE**—County Risk Manager.

A. Definition

"Outside employment" means active participation in any business-related activity which results in reportable income to the Internal Revenue Service.

Outside employment must be compatible with the full and proper discharge of the duties and responsibilities of County employment. It shall not impair the employee's capacity to perform the County duties and responsibilities in an acceptable manner.

B. Eligibility

1. An Appointing Authority may grant an employee approval for outside employment, if:
 - a. Such outside employment has no actual or potential conflict with the employee's official duties;
 - b. The outside employment does not require an amount of time or effort which shall prevent the rendering of good service to the County; and
 - c. The outside employment does not prevent the employee from performing overtime, on-call, or callback work when requested to do so.
2. Outside employment for regular full-time employees is limited to a maximum of twenty (20) hours per week, or twenty-four (24) hours per week if justified by the Appointing Authority and approved by the County Administrator. Outside employment for remaining employees is limited to a maximum number of hours as determined by the Appointing Authority.

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3. It is the responsibility of the employee to report any change in the status/duties pertaining to outside employment to the Appointing Authority. Any change in classification and/or department shall require new approval for outside employment.
4. Permission for outside employment must be renewed annually by calendar

year.

5. Additional outside employment conditions may be added by the County Administrator based on the County's emergency pandemic needs.

D. Department Responsibility

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 - b. The employee has a valid medical statement that the approved outside employment shall in no way interfere with normal convalescence, or prolong the employee's absence from County service.
 - c. Employees on workers' compensation and under restriction limiting the number of hours that may be worked shall also obtain approval from Human Resources Occupational Medicine.
2. Any injury occurring during outside employment must be reported to and recorded by the Appointing Authority. Copies of the report shall be sent to the Human Resources Occupational Medicine.

This program is established to reasonably ensure that compatibility exists between the physical/mental capability of the individual and the demands of the position being offered or held. This program shall be conducted in accordance with this Policy and in compliance with State and Federal law.

A. Post-Offer Evaluations

Each individual selected for appointment to a pre-determined classification as a regular employee shall be required to submit to a post-offer evaluation given or authorized by the County. Post-offer evaluations are set out by administrative procedures. The evaluation can occur only after a conditional offer of employment has been made. The individual shall not begin employment, or in the case of an employee, shall not be assigned to work in the new position, until the evaluation has been completed and information regarding the individual's ability to perform the job has been obtained. **FOR SAFETY-SENSITIVE POSITIONS, THE COUNTY SHALL DISQUALIFY AN EMPLOYMENT CANDIDATE WHOSE POST-OFFER ALCOHOL AND/OR DRUG TEST RETURNS POSITIVE.**

B. Random Alcohol and Controlled Substance Testing

Employees in positions which require a commercial driver's license will be tested for alcohol and controlled substances on a random basis. This unannounced random testing will be conducted in accordance with established administrative procedures and in compliance with State and Federal law.

C. Alcohol and Controlled Substance Testing Based On Reasonable Suspicion

If an Appointing Authority has reasonable suspicion that an employee is under the influence of drugs and/or alcohol while on the job, the Appointing Authority **AND HUMAN RESOURCES OCCUPATIONAL MEDICINE** may require the employee to be tested for alcohol and/or controlled substances. The employee is to be transported to one of the County's occupational medicine providers immediately. The Appointing Authority taking this action shall **NOTIFY HUMAN RESOURCES OCCUPATIONAL MEDICINE** ~~inform Finance and Risk Management of the~~ **NEED FOR testing, but is not required to obtain AS OUTLINED IN ADMINISTRATIVE PROCEDURES. prior authorization for such testing.** The medical provider will require the employee to sign a medical consent form. The employee's written consent to the testing is necessary, and the employee shall be advised of his/her **THEIR** options and the consequences of refusing to consent. An employee who refuses to give written consent for the testing may be subject to disciplinary action up to and including dismissal.

This program is established to reasonably ensure that compatibility exists between the physical/mental capability of the individual and the demands of the position being offered or held. This program shall be conducted in accordance with this Policy and in compliance with State and Federal law.

A. Post-Offer Evaluations

Each individual selected for appointment to a pre-determined classification as a regular employee shall be required to submit to a post-offer evaluation given or authorized by the County. Post-offer evaluations are set out by administrative procedures. The evaluation can occur only after a conditional offer of employment has been made. The individual shall not begin employment, or in the case of an employee, shall not be assigned to work in the new position, until the evaluation has been completed and information regarding the individual's ability to perform the job has been obtained. For safety-sensitive positions, the County shall disqualify an employment candidate whose post-offer alcohol and/or drug test returns positive.

B. Random Alcohol and Controlled Substance Testing

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If an Appointing Authority has reasonable suspicion that an employee is under the influence of drugs and/or alcohol while on the job, the Appointing Authority and Human Resources Occupational Medicine may require the employee to be tested for alcohol and/or controlled substances. The employee is to be transported to one of the County's occupational medicine providers immediately. The Appointing Authority taking this action shall notify Human Resources Occupational Medicine of need for testing as outlined in Administrative Procedures. The medical provider will require the employee to sign a medical consent form. The employee's written consent to the testing is necessary, and the employee shall be advised of their options and the consequences of refusing to consent. An employee who refuses to give written consent for the testing may be subject to disciplinary action up to and including dismissal.

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

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

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

Y. Supervisory responsibilities include:

1. Ensuring that employees are informed regarding changes in County policy and working conditions.
2. Administering Pima County Merit System Rules, Personnel Policies and Administrative Procedures in a fair and equitable manner.
3. Ensuring that the work activity of subordinates is performed in an efficient manner and is of high quality.
4. Monitoring employee conduct for compliance with the Merit System Rules and Personnel Policies.
5. **MODELING APPROPRIATE WORKPLACE BEHAVIOR.**
6. **DISTRIBUTING WORK IN A FAIR AND EQUITABLE MANNER, AT THE DIRECTION OF THEIR APPOINTING AUTHORITY.**

Z. Prohibited conduct - County employees shall not:

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

8. Directly or indirectly use or allow the use of County property of any kind, including property leased by the County, for other than official or assigned duties.
9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.
10. **PRESENT TO ANY COUNTY WORKSITE, PERFORM ANY COUNTY-RELATED WORK TASKS, OR ACT IN ANY CAPACITY AS A REPRESENTATIVE OF THE COUNTY WHILE IMPAIRED BY ALCOHOL, MARIJUANA, OR ANY CONTROLLED SUBSTANCE, REGARDLESS OF ANY VALID AND LEGAL PRESCRIPTION FROM A DOCTOR OR AUTHORIZED HEALTHCARE PROVIDER.**

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

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- B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.
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- D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.
- E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.
- F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.
- G. Follow established safety practices and report any accidents to the supervisor.
- H. Cooperate in keeping the work site clean and sanitary.
- I. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
- J. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.
- K. Be responsive to the citizens of the County at all times while performing any duties which are related to County employment, or whenever representing the County in any capacity.
- L. Prepare all records and reports truthfully and completely.
- M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.
- N. Report to the immediate supervisor all known mistakes, policy violations, or infractions of the Rules of Conduct.
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- Q. Do not use abusive, profane, or obscene language or gestures or display obscene or offensive materials. Materials related to the health field which are determined to be of business necessity are excluded from this Policy.
- R. Do not make slurs and/or remarks concerning race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression or sexual orientation.
- S. Treat all co-workers and general public in a courteous manner.
- T. Report to immediate supervisor any criminal conviction of the employee that results from drug statute violations in the workplace. The report must be made no later than five (5) calendar days following such conviction.
- U. Follow Pima County Procurement Policy regarding acceptance of gifts.
- V. Do not engage in unethical or illegal behavior with minors who are employed with the County or who participate in any County program or activity.
- W. Do not engage in practical jokes or other activities commonly referred to as 'horseplay'. Horseplay is defined as behavior, essentially without malice, and usually involves, for example, rough, boisterous or rowdy physical interaction such as tripping, grabbing, wrestling, or scuffling and may be inconsistent with ordinary and reasonable common sense safety rules.
- X. Do not misuse County email systems for the purpose of producing, distributing, or forwarding content that:
 - 1. Is discriminatory, harassing, or disruptive which includes, but is not limited to, content that is sexually explicit, derogatory or abusive; threatening images; cartoons, jokes, or inappropriate or profane language;
 - 2. Is demonstrably offensive, regardless of whether or not one or more recipients felt threatened, offended, or otherwise disturbed;
 - 3. Is not County-related business which includes, but is not limited to, chain letters, stories, petitions, warnings, pictures, and/or programs;
 - 4. Is sensitive, private, confidential or privileged which may include, but is not limited, to personnel matters or decisions, grievances and disciplinary actions; or
 - 5. May create the appearance of inappropriate use.

Y. Supervisory responsibilities include:

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

Z. Prohibited conduct - County employees shall not:

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

8. Directly or indirectly use or allow the use of County property of any kind, including property leased by the County, for other than official or assigned duties.
9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.
10. Present to any County worksite, perform any County-related work tasks, or act in any capacity as a representative of the County while impaired by alcohol, marijuana, or any controlled substance, regardless of any valid and legal prescription from a doctor or authorized healthcare provider.