

# Merit System Rules

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# Personnel Policies

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

- 1.01 ADMINISTRATIVE SUSPENSION: A non-disciplinary suspension without pay or with reduced pay in the best interest of the County imposed upon an employee who is under investigatory or judicial proceedings.
- 1.02 ALLOCATION: The assignment of a classification to a position on the basis of the duties and responsibilities assigned to the position.
- 1.03 APPEAL: A request for the Merit System Commission to hear a complaint alleging improper suspension, demotion, reduction in pay, dismissal, or termination under Rule 11.5 B. through E.
- 1.04 APPELLANT: A permanent employee who files an appeal with the Merit System Commission.
- 1.05 APPLICANT: A person seeking County employment or an employee seeking reappointment, detail, promotion, or demotion within County employment, who has completed and returned, on a timely basis, an official Pima County Application form according to instructions.
- 1.06 APPOINTING AUTHORITY: For the purpose of these Rules, Appointing Authorities include the Sheriff, Recorder, Treasurer, Superintendent of Schools, County Attorney, Assessor and others designated by the County Administrator, who have authority to take official personnel actions in accordance with these Rules.
- 1.07 APPOINTMENT: The official offer of employment and acceptance by an applicant in accordance with these Rules.
- 1.08 ARS: Arizona Revised Statutes.
- 1.09 ASSIGNMENT PAY: Any additional compensation above the base salary assigned by an Appointing Authority for specific circumstances to include special assignment pay authorized by the Board of Supervisors pursuant to Personnel Policy 8-102.H. Assignment pay may only be applied while the special circumstances are in effect.
- 1.10 AUDIT: A review of the duties and responsibilities of a position in order to determine proper allocation.
- 1.11 BOARD: The Pima County Board of Supervisors.
- 1.12 BUSINESS DAYS: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.

- 1.13 CERTIFICATE OF ELIGIBLE APPLICANTS: An official list of the most qualified applicants for a particular position.
- 1.14 CLASS SPECIFICATION: The official document defining the type and level of duties and responsibilities and the minimum qualifications of positions assigned to a particular classification.
- 1.15 CLASSIFICATION: A title and code assigned to a grouping of similar positions as described in the appropriate class specification.
- 1.16 CLASSIFICATION SYSTEM: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
- 1.17 CLASSIFIED SERVICE: County positions included in the Merit System and not exempt from the Merit System as provided in Pima County Code, Chapter 2.24.
- 1.18 COMMISSION: The Pima County Merit System Commission.
- 1.19 COMMISSIONER: A member of the Pima County Merit System Commission.
- 1.20 COMPENSATION: The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee, except reimbursement for necessary expenses which have been authorized and incurred.
- 1.21 COUNTY: Pima County Government.
- 1.22 COUNTY ADMINISTRATOR: Highest ranking administrator for the Board of Supervisors.
- 1.23 COUNTY EMPLOYEE: A person appointed to and currently filling a paid position within the County.
- 1.24 COUNTY-FUNDED POSITION: A position funded by legally established recurring revenue to the County.
- 1.25 COUNTY-WIDE ANNOUNCEMENT: The official notice to County employees of employment opportunity in the County.
- 1.26 DEMOTION: A change in the assignment of an employee from a position in one classification to a position in another classification having a lower starting salary.
- 1.27 DEPARTMENT: A County governmental unit which has a separate operating budget approved by the Board.
- 1.28 DETAIL: The assignment of an employee to temporary duty which exceeds fifteen (15) work days to a position other than the position to which regularly assigned.

- 1.29 DISMISSAL: The involuntary termination of a person from County employment for a disciplinary reason. For the purposes of employee appeals pursuant to these Rules, a resignation in lieu of dismissal shall be deemed to be a dismissal.
- 1.30 ELIGIBLE APPLICANT: An applicant who meets the minimum qualifications for a specific classification and whose application has been placed in the relevant application file.
- 1.31 EXEMPT EMPLOYEE: An employee who is not required to receive overtime compensation under the Fair Labor Standards Act and who is not eligible for overtime compensation pursuant to Personnel Policy 8-102.
- 1.32 FULL-TIME POSITION: A position which provides employment for eighty (80) hours per pay period.
- 1.33 GRIEVANCE: A complaint alleging misinterpretation, misapplication, or unequal enforcement of Personnel Policies, Merit System Rules, or Administrative Procedures, or alleging unlawful discrimination.
- 1.34 INTERMITTENT EMPLOYEE: A person who has been hired into a non-exempt classification for seasonal, on-call, or as-needed employment that does not exceed one thousand forty (1040) paid hours per fiscal year. Intermittent employees include Adult Work Experience Program workers, law clerks, youth workers and employees with the employment type of intermittent.
- 1.35 INTERNAL APPLICATION FILE: The official file containing applications for a specific classification from current employees or employees who have been laid off for less than two (2) years.
- 1.36 INTRADEPARTMENTAL ANNOUNCEMENT: The official notice to employees of a specific department of employment opportunity in that department.
- 1.37 LAYOFF: The conditional termination of a permanent employee due to lack of funds, reduced demand for services, functions and programs, elimination of position, failure to successfully complete promotion probation, or other reasons specified in these Rules.
- 1.38 MERIT SYSTEM: The uniform and equitable system of personnel administration under federal guidelines and rules.
- 1.39 NON-EXEMPT EMPLOYEE: An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 8-102.
- 1.40 OPEN RANGE REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee from or to a position in a discrete grade to or from a position with an open salary range.

- 1.41 OPEN RANGE CLASSIFICATION: A classification which is not assigned a salary grade but is designated by the Board of Supervisors as having an open salary range. The level of compensation is determined by a Salary Administration Plan approved by the County Administrator.
- 1.42 OPEN SALARY RANGE: A specified salary range.
- 1.43 PART-TIME POSITION: A position which provides employment for less than eighty (80) hours per pay period.
- 1.44 PERMANENT EMPLOYEE: A regular employee who has successfully completed initial probation.
- 1.45 PRE-LAYOFF REAPPOINTMENT: The appointment of a County employee who has been notified of layoff, prior to the effective date of layoff, to a classification of the same or lower salary.
- 1.46 PROBATION: A specified period of employment following initial appointment, reemployment, reinstatement, reappointment, promotion, or demotion, which is the final step in the examining process during which an employee is evaluated.
- 1.47 PROBATIONARY EMPLOYEE: A regular employee serving initial probation who may be terminated without cause and with no right of appeal.
- 1.48 PROMOTION: A change in the assignment of an employee from one classification to another classification having a higher starting salary.
- 1.49 PUBLIC ANNOUNCEMENT: The official notice to the public of employment opportunity with the County.
- 1.50 PUBLIC APPLICATION FILE: The official file containing applications of eligible applicants for a specific classification.
- 1.51 REALLOCATION: A change in the classification assigned to an existing position.
- 1.52 REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of any classification having the same or lower starting salary.
- 1.53 REASSIGNMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of the same classification and salary within the employee's department.
- 1.54 RECLASSIFICATION: A change in the classification of an employee when his/her position has been reallocated.

- 1.55 REEMPLOYMENT: The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or an appointment following Uniformed Service leave under Personnel Policy 8-103.
- 1.56 REGULAR EMPLOYEE: An employee who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.57 REINSTATEMENT: The appointment of a laid-off employee to a position of the same classification in the same department from which laid off, or the returning of an employee as ordered by the Merit System Commission.
- 1.58 RESIGNATION IN LIEU OF DISMISSAL: An employee has been officially dismissed from the county via a formal and final notice of dismissal and the employee requests in writing and is approved to resign instead of being dismissed.
- 1.59 RESPONDENT: The department or individuals named by the Appellant, whose interests are adverse to those of the Appellant, who will be directly affected by the Commission's decision in an appeal.
- 1.60 SELECTIVE CRITERIA: Key position-specific factors within a classification, such as specialized knowledge and/or experience, or special background or qualifications, or particular geographic area, used to develop a Certificate of Eligible Applicants.
- 1.61 SENIORITY: The number of hours of continuous employment with the County.
- 1.62 SUSPENSION: An involuntarily imposed leave without pay or with reduced pay.
- 1.63 TEMPORARY EMPLOYEE: An employee who has been appointed on a full-time, part-time, or variable-time basis for a limited period not exceeding eighteen (18) months.
- 1.64 TERMINATION: Separation of an employee from County employment.
- 1.65 TRAINEE: A new hire or regular employee serving in a trainee program pre-approved by Human Resources for such length of time necessary to meet the minimum qualifications or selective criteria for the training classification within six to twenty-four months from the commencement of the program. Employees who fail to successfully complete an approved trainee program have no right of appeal.
- 1.66 VACANT POSITION: A position currently under recruitment or available to be filled as determined by an Appointing Authority.
- 1.67 VARIABLE-TIME POSITION: A position which provides employment for an as-needed number of hours per workweek.

- 1.68 WORK DAY: Any designated hours within a twenty-four (24) hour period during which an employee is scheduled to work at a prescribed work place or on duty. Holidays are not work days unless the employee is scheduled to work.
- 1.69 WORK PERIOD: Any established and regularly recurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days.
- 1.70 WORK RELEASE TIME: Time off work with pay.
- 1.71 WORK WEEK: All time within a seven (7) day period during which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place, or on duty.

2.1 APPLICABILITY

Unless otherwise stated, the Merit System Rules shall apply to all positions and employees in the classified service within Pima County Government. These Rules do not apply to employees and/or positions in the Judicial Merit Systems or the Law Enforcement Merit System.

2.2 BASIC OBJECTIVES

The purpose of these Rules is to establish a system of personnel administration in compliance with federal and state laws.

- A. Positions covered by this Merit System will be filled by a competitive process that evaluates applicants on the basis of job-related knowledge, skills and abilities;
- B. Compensation and classification will reflect the responsibility and difficulty of the work and the competitiveness of the position with respect to the labor market;
- C. Involuntary separation from County service will be for a disciplinary reason as defined herein, or for other reasons as specifically provided in these Rules and Pima County Personnel Policies;
- D. Training and development opportunities will be available to all employees commensurate with the needs of the County and service to the public;
- E. Applicants and employees will be treated in a fair, legal, non-discriminatory and reasonable manner and will be provided avenues for internal complaint resolution;
- F. Employees have the right to participate in partisan political activities, but such activities shall not influence or interfere with the conduct of official County business or activities.

2.3 REPRISALS

An employee who reasonably believes he/she is the subject of reprisal for disclosure, pursuant to ARS § 38-531 *et seq.*, to a public body alleging a violation of law, mismanagement, gross waste of monies or an abuse of authority by the employer may file with the Arizona State Personnel Board for purposes of appeal of any such reprisal action. Any such appeal to the Arizona State Personnel Board must be filed, pursuant to ARS § 38-532, within ten (10) days of the effective date of the alleged reprisal action.

2.4 SERVING OF NOTICE

Unless otherwise provided by law or these Rules, whenever any notice, paper, or document is to be given to or served upon any person or department by the Commission, Human Resources, or an employee, such notice, paper, or document may be personally served, or it may be served by mailing it to the last known residence or business address of the addressee. Service is complete upon mailing.

2.5 SEVERABILITY

If any provision of these Rules or their application to any person or circumstances is held invalid, the remainder of the Rules or the application of such provisions to other persons or circumstances shall not be affected.

2.6 SPECIALLY-FUNDED EMPLOYEES

The administration and compensation of persons employed by the County in a program financed in whole or in part by contract with another entity shall be pursuant to the terms of the contract or applicable law if there is a conflict with the Merit System.

The Merit System Commission shall be created pursuant to and governed by ARS § 11-351 *et seq.* The Commission serves as an objective body to adjudicate appeals of suspension, demotion, reduction in pay, dismissal and termination under Rule 11.5 B. through E. of permanent employees in the classified service.

- A. All matters to be presented for consideration by the Commission at any meeting shall be placed upon the Commission's agenda.
- B. The time and location of each meeting of the Commission shall be fixed by the Commission and noticed as required by law.
- C. Staff for the Commission shall be provided by the Human Resources Department. Written guidelines for meetings and appeal hearings shall be developed by Human Resources and adopted by the Commission.

#### 4.1 RECRUITMENT AND ANNOUNCEMENTS

##### A. Recruitment

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

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

##### B. Announcements

1. All announcements shall specify the official classification title, classification code number, salary grade or open salary range, description of work to be performed or where this information may be obtained, the minimum qualifications and any selective criteria, the final date for receipt of applications or statement of continuous recruitment, the nature of the selection process and how to apply.
2. Public announcements shall be by public notice for a minimum of five (5) business days. Continuous announcements shall be open for a minimum of five (5) business days before a Certificate of Eligible Applicants is completed. Copies of public announcements shall be distributed to County departments and such other individuals and organizations as Human Resources deems appropriate.

- 4.1 B. 3. An internal announcement shall be open for a minimum of five (5) business days and distributed to County departments or the department with the vacancy, as appropriate.

4.2 APPLICATIONS

A. Official Forms

All applications shall be on forms provided by Human Resources.

B. Filing Applications

1. County employees may submit applications for any classification at any time, except for classifications that are initially evaluated using a scheduled test.
2. Applications for other than continuous recruitment classifications must be complete and received at Human Resources or as designated in the announcement on or before the final filing date/time specified. Applications for continuous recruitment classifications may be filed at any time.
3. Applicants shall submit such documents or supplemental information as required by Human Resources to verify and evaluate the applicant's qualifications and background.
4. Acceptance and/or issuance of an application form shall not be construed as incurring an obligation by the County.

C. Disqualification of Applicants

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

1. Does not meet the minimum qualifications established for the classification;
2. Has made a false statement of material fact in the application process;
3. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in County employment;

- 4.2 C.
4. Has directly or indirectly obtained information regarding any examination to which the applicant is not entitled;
  5. Has failed to submit the completed application correctly or within the prescribed time limits;
  6. Has taken part in the compilation, administration, or any part of the selection process in which he/she is competing;
  7. Has previously been dismissed for a disciplinary reason from a position in County employment;
  8. Has a record of conviction of a crime, the nature of which would affect the applicant's suitability for employment;
  9. Has failed to appear for a scheduled examination or interview;
  10. Has failed any phase of the selection process;
  11. Has been determined by Human Resources to be unsuitable for employment for any job-related reason;
  12. Or otherwise has violated the provisions of the Arizona Revised Statutes (ARS), these Rules, or Pima County Personnel Policies.

4.3 ADMINISTRATIVE REVIEW

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

4.4 ERRORS IN PROCESSING

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

5.1 PRE-CERTIFICATION PROCESS

A. General Provisions

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

B. Content and Nature of Examinations

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

5.1 C. Evaluating Results and Rating Examinations

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

D. Retaking Examinations and Test Security

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

5.2 PREFERENCE POINTS

Veteran's preference shall be granted in compliance with federal law and state statute. Disability preference shall be granted in accordance with state law. Native American preference shall be granted in compliance with the Board of Supervisors' Native American Employment Policy. Preference points will be awarded during the

- 5.2 pre-certification process to applicants who have received a passing score on an employment application. Preference points allow eligible applicants additional opportunity to be interviewed or otherwise reviewed by the hiring department for an initial appointment and will not ordinarily be used to displace otherwise qualified candidates.
- A. Veteran: Veterans meeting the statutory requirements shall be awarded five (5) preference points.
  - B. Spouse or Surviving Spouse: The spouse or surviving spouse of a veteran who meets the statutory requirements shall be awarded five (5) preference points.
  - C. Disabled Applicants: Five (5) preference points shall be awarded to disabled applicants if the applicant has substantiated the disability by completing a Pima County Disclosure Form and submitting it with the application.
  - D. Disabled Veterans: A total of ten (10) preference points shall be awarded to disabled veterans who meet the statutory requirements and submit the required documentation.
  - E. Native Americans: Five (5) preference points shall be awarded to Native Americans who meet the membership requirements of an established tribe and submit the required documentation to show they are recognized as members of that tribe. Native American preference points shall be awarded in addition to veteran's and/or disability preference points.

5.3 INSPECTION OF WRITTEN TESTS

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

5.4 FINAL SELECTION EXAMINATIONS

- A. Departments shall conduct interviews and may conduct other examinations for the purpose of making final selection decisions from among certified eligible applicants. Such examinations shall be job-related and conducted in accordance with the job announcement and the recruitment plan.

- 5.4 B. All certified eligible applicants shall be offered an opportunity to participate in the departmental selection process.

5.5 RETENTION OF EXAMINATION RECORDS

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

6.1 MAINTENANCE OF APPLICATION FILE

- A. Human Resources shall be responsible for the establishment and maintenance of all application files for classifications covered by these Rules.
- B. Applicants who have successfully demonstrated they possess the necessary qualifications shall have their applications maintained on file for that classification for at least six (6) months.

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 official application is required in order to be included in the application file and ranked in accordance with Merit System Rule 7.1 A.

6.3 SELECTIVE CERTIFICATION

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

6.4 USE OF RELATED APPLICATION FILES

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

6.5 REMOVAL OF APPLICATIONS

- A. Human Resources may remove an application from an application file at any time for any of the following reasons:
  - 1. Any of the reasons specified in Rule 4.2 C.;
  - 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 or promotional appointment, at which time all applications for classifications of the same or lower grade or open salary range in the same classification family shall be removed;
7. Acceptance of a position by a laid off employee during the reemployment period; the laid off employee's reinstatement application shall remain in the reinstatement application file;
8. For internal County-wide or intradepartmental recruitment, the applicant has been terminated from County employment (i.e., the applicant is no longer a County employee);
9. The elimination of an application file pursuant to Rule 6.6.
- B. When an application is removed from an application file, the applicant may request an Administrative Review under Rule 4.3.

6.6 ELIMINATION OF AN APPLICATION FILE

Human Resources may eliminate an application file when the classification is deleted or revised with a significant change to the minimum qualifications, or when a major revision has been made to the written test for that application file.

## 7.1 CERTIFICATION

- A. Once a request is received and recruitment, if required, is complete, Human Resources shall prepare a Certificate of Eligible Applicants.
  - 1. Reinstatement: When there are laid-off employees eligible for reinstatement to the requesting department, the Certificate shall contain only the names of those employees who were laid off from that department and who meet the minimum qualifications for that position. The department must appoint from this Certificate, unless none of these employees accepts reinstatement.
  - 2. Reemployment: If County-wide or intradepartmental recruitment is used, the Certificate shall include the names of employees who have been laid off and who are eligible for reemployment for the classification requested.
  - 3. Rehire: A qualified permanent status employee, who resigned in good standing in accordance with Merit System Rules from the classification of Corrections Officer, Public Safety Telecommunicator, or Public Safety 9-1-1 Communicator, shall be eligible for rehire for a period of one (1) year from the date of separation. A written request and completion of an official application is required in order to be included on the current Certificate of Eligible Applicants.
- B. If intradepartmental, County-wide and public recruitment have been requested, a Certificate of Eligible Applicants for each recruitment type may be prepared simultaneously.
- C. The Certificate of Eligible Applicants for a public recruitment may contain internal and public applicants.

## 7.2 CERTIFICATE OF ELIGIBLE APPLICANTS

- A. The Certificate of Eligible Applicants is valid for one (1) month. Human Resources, giving consideration to the geographic area, type of position and other factors, may extend the Certificate for up to an additional ninety (90) days with concurrence of affected departments. The County Administrator may extend the Certificate past the additional ninety (90) days.
- B. A change in an application file shall not affect the content of an existing Certificate of Eligible Applicants.

7.3 APPOINTMENTS

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

### 8.1 PROMOTION

- A. Departments are encouraged to fill all vacancies by promotion.
- B. Promotions shall be competitive and the selection made from a Certificate of Eligible Applicants.
- C. Failure of promotion probation may result in layoff.

### 8.2 DEMOTION

#### A. Involuntary

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

#### B. Voluntary

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

### 8.3 REAPPOINTMENT

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

### 8.4 OPEN RANGE REAPPOINTMENT

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

RULE 8 - PROMOTION, DEMOTION, REAPPOINTMENT,  
OPEN RANGE REAPPOINTMENT,  
REASSIGNMENT AND DETAIL

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Effective Date: October 6, 2009

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

8.5 REASSIGNMENT

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

8.6 DETAIL

- A. When the services of an employee are needed temporarily for more than fifteen (15) work days in a position other than the position to which regularly assigned, the employee may be detailed to that position for a period up to one (1) year and may not be extended. An Appointing Authority may use a non-competitive process to fill any detail forty-five (45) work days or less at which time the detail ends and may not be extended. A competitive process, in compliance with Merit System Rules 4, 5, 6 and 7, shall be used to fill any detail which exceeds forty-five (45) work days.
- 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.

9.1 NATURE OF CLASSIFICATION SYSTEM

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

9.2 CLASS SPECIFICATIONS

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

9.3 POSITION ALLOCATION

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

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

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

9.4 EFFECTIVE DATE

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

9.5 OPEN RANGE CLASSIFICATIONS

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

10.1 GENERAL PROVISIONS

- A. Probation within County employment shall be for a period of twelve (12) months 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.
- C. 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.
- D. 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.
- 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.

10.2 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. An 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.
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.

- 10.2 F 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.

G. Rehire

A rehired employee who was formerly a permanent status Corrections Officer, Public Safety Telecommunicator, or Public Safety 9-1-1 Communicator 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.

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.
- 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 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, failure to successfully complete promotion probation as provided in Merit System Rule 8, or other reasons as specified in these Rules and the Personnel Policies.
- B. The decision regarding which classification(s) shall be affected by layoff and when layoff shall be effective shall be made by the Appointing Authority. In each instance, based on circumstances within the department, the layoff plan shall state whether or not grant-funded employees shall be grouped with other employees for layoff purposes.
- C. When an Appointing Authority determines that a layoff is necessary, the Appointing Authority shall draft a layoff plan, which, when the layoff is for reasons other than reduced demand for services, functions or programs, lack of funds and/or elimination of position, may be merely an explanation of the grounds for layoff. All layoff plans shall be approved by the County Administrator prior to implementation.
- D. When any classification is subject to layoff, non-permanent status employees in that classification in the same department shall be terminated before any permanent status employee is laid off, unless exempted by the Board of Supervisors. All vacant positions in that classification should be eliminated before laying off any employee in such classification.
- E. When permanent employees in a classification become subject to layoff due to reduced demand for services, functions or programs, lack of funds and/or elimination of position, the Appointing Authority shall determine which employee(s) shall be laid off based on seniority as defined in MSR 1 and qualifications of all permanent employees in that classification in the same department. Seniority is the primary factor, unless exempted by the County Administrator.

Qualifications (i.e. knowledge, skills and abilities) are the secondary factor, unless otherwise exempted by the County Administrator.

- 11.4 F. Human Resources shall notify employees to be laid off, in writing, as soon as possible, but no later than thirty (30) calendar days prior to the effective date of layoff. The written notice shall be hand delivered or sent certified with return receipt and first class mail. The notice shall contain the effective date of layoff, pre-layoff reappointment, reemployment and reinstatement rights, and a copy of the County Administrator approved layoff plan.
- G. Pre-layoff Reappointment: Prior to the effective date of layoff, an employee subject to layoff may be appointed non-competitively by any Appointing Authority having a vacant position of the same or lower salary grade or open salary range for which the employee meets the minimum qualifications.
1. The salary for pre-layoff reappointment shall be set in the same manner as for entrance salary, Personnel Policy 8-117.
  2. The effective date for pre-layoff reappointment shall be before the date on which the layoff would have been effective. The employee shall retain all accrued sick leave, annual leave and compensatory time.
  3. An employee who accepts a pre-layoff reappointment shall serve a twelve (12) month probation.
  4. An employee who accepts a pre-layoff reappointment retains reinstatement rights.
  5. An employee who accepts a temporary or detail assignment, prior to layoff, retains pre-layoff reappointment rights during the assignment and is subject to layoff at the end of the temporary or detail assignment.
- H. Reinstatement: An employee who is laid off shall be eligible and may apply for reinstatement to the department and the classification from which laid off. The employee shall be eligible for reinstatement for a period of two (2) years from the effective date of layoff.
- I. Reemployment: An employee who has been laid off may apply for reemployment to any classification by submitting a written application and shall be considered a County employee for certification purposes. A laid-off employee shall be eligible for reemployment and shall be considered a County employee for certification purposes for a period of two (2) years from the effective date of layoff. Additional applications may be submitted any time during this period.

11.5 TERMINATION FOR OTHER REASONS

- A. Employees on initial probation, temporary employees, intermittent employees, and new hire employees who have not completed the Pima County 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 whose position is not County-funded may be terminated for lack of funding.
- D. 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.
- E. An employee may be terminated for failure to return to work from an approved leave of absence without pay.
- F. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.

## 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, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Merit System Rule 11.5 B. through E., 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 effectuation of the discipline.
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;

- 12.1 C.
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, a narcotic, barbiturate, marijuana, 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;
  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 other County property and/or systems;
  15. Seeking to obtain financial, sexual, or political benefit from another employee with 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. Copies of the Letter of Reprimand, with the employee's acknowledgment of receipt, shall be placed in the employee's department personnel file and filed with Human Resources. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt.

## 12.2 B. 2. Suspension

- a. Suspension is considered to be a significant disciplinary action and may be used by an Appointing Authority or designee for more serious incidents or repetitions of improper performance or conduct.
- b. 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. 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.
- c. 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 Commission within ten (10) calendar days of receipt of notice.

## 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 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.
- c. 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 Commission within ten (10) calendar days of receipt of notice.

## 12.2 B. 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 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.
- c. 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 Commission within ten (10) calendar days of receipt of notice.

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. Notification shall be the same as for disciplinary suspension.
- C. The employee may be suspended until the inquiry is completed and the employee is acquitted of the charges, the charges are dismissed, or the employee is otherwise exonerated. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.
- D. At the conclusion of the 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 person of the employee's choosing in meetings where formal disciplinary action is being issued to the employee, to include pre-action meetings. The employee's assistant may participate in the discussions with the employee during such meetings. The employee must be given notice of this meeting at least three (3) full work days from the date of written notification. If the employee has not obtained an assistant within that period of time, management may proceed without further delay.

13.1 GENERAL PROVISIONS

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

13.2 GRIEVANCES NOT ALLEGING DISCRIMINATION

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

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

D. Grievance Procedure

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

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

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

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

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

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

- F. Within thirty (30) calendar days after receipt of the grievance committee report, the County Administrator shall accept, reject, or modify the remedy recommended by the grievance committee and issue a final decision. Should the County Administrator fail to issue a final decision within the above time frame, the majority opinion of the grievance committee will stand.
1. The County Administrator may reconvene the committee for further investigation or to provide an explanation of the issues and recommendation(s) in the report.
  2. The grievance committee report shall be held confidential until it is distributed with the final decision. Human Resources shall distribute a copy of the County Administrator's decision and the grievance committee report to the grievant and the department for filing. A copy of the grievance report and the County Administrator's decision, when filed based on a Letter of Reprimand, shall also be placed in the grievant's official personnel file.
  3. The grievant and/or department may report objections to the County Administrator within three (3) business days of receipt of the final determination. The County Administrator will determine what further action, if any, is warranted.
- G. All time requirements must be met unless exceptions are granted by the County Administrator. If the Appointing Authority fails to meet the time requirements, the grievant has the right to take the grievance to the next step. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

13.3 GRIEVANCES ALLEGING DISCRIMINATION

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

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

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

#### 13.4 RIGHT TO REPRESENTATION

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

#### 14.1 MATTERS WHICH MAY BE APPEALED

- A. A permanent employee may appeal only the following actions:
  - 1. Dismissal;
  - 2. Demotion;
  - 3. Reduction in pay;
  - 4. Suspension;
  - 5. Termination as set forth in Merit System Rule 11.5 B. through E.
- B. A permanent employee may file an appeal on any grounds, including alleged unlawful discrimination, but any claim of unlawful discrimination must be filed with, investigated and determined by authorities as stated under 14.1.D.
- C. Matters not specifically stated in this Rule cannot be appealed. Employees on initial probation, permanent employees laid off, employees hired under the provisions of the Trainee Program, intermittent employees, and employees who are exempt from the Merit System, as provided in the Merit System Ordinance, may not appeal.
- D. Claims of discrimination based upon Federal and/or State civil rights laws, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA) and the Family and Medical Leave Act (FMLA) must be filed with Human Resources or with the appropriate State and/or Federal agency charged by Federal and/or State law with enforcement of those laws.

#### 14.2 APPEAL PROCEDURE

##### A. Filing the Appeal

Appeals to the Commission must be filed with the Human Resources Department in writing within ten (10) calendar days of receipt of notice of an appealable action. If all attempts to deliver the notice fail, the right to appeal expires seventeen (17) calendar days from the date of the appealable action. In the absence of good cause, failure to file a timely appeal results in denial of the appeal due to lack of jurisdiction.

- 1. The appeal shall state the basis of the appeal and the remedy requested. The Appellant's department shall be the Respondent.

- 14.2 A.
1. Human Resources shall serve a copy of the appeal on the Respondent.
  2. Respondent may file an answer to the appeal with Human Resources. Human Resources shall send copies to the Appellant and the Commission.
  3. Respondent may serve an amended notice of suspension, demotion, reduction in pay, or dismissal prior to the beginning of the appeal hearing. In accordance with Merit System Rule 12.1 B, a pre-action meeting to discuss the specifics of the additional charges shall be held prior to serving the amended notice.
  4. The Appellant may submit a written request to Human Resources to withdraw the appeal at any time prior to the decision by the Commission.

B. Hearing Officers/Commission

Appeals may be heard by a Hearing Officer, who shall be a Commission member, or by the Commission, as determined by the Chair, and in accordance with appeal hearing guidelines adopted by the Commission.

C. Time for Hearing

Within twenty (20) calendar days after receiving the appeal, the Commission shall set a date for a hearing of the appeal.

D. Notice of Hearing; Continuance

1. Written notice of the time, date, place of hearing and the name of the Hearing Officer, if applicable, shall be mailed by Human Resources to the Appellant and Respondent at least fourteen (14) calendar days before the date of such hearing.
2. Either Respondent or Appellant may request in writing that a hearing set pursuant to these Rules be continued.
3. Failure to request a continuance in conformance with these Rules, and subsequent failure by either party to appear at the time and place set for hearing, may result in dismissal of the case upon motion of either party, or on motion of the Hearing Officer/Commission.
4. A hearing may be continued by the Hearing Officer or, if the hearing is to be conducted by the Commission, by the Chair or designee.

14.2 E. Nature of Hearing

1. Each hearing shall be held pursuant to ARS §38-431 and ARS §11-356 and in accordance with appeal hearing guidelines adopted by the Commission. The technical rules of evidence and court procedure shall not apply to the proceedings, except that irrelevant, immaterial, incompetent, or unduly repetitious evidence, or evidence protected by the rules of privilege recognized by law, may be excluded.
2. All testimony at the hearings shall be recorded manually or by mechanical or electronic device. The Commission shall pay all charges incurred in connection with the presence of a court reporter or the utilization of mechanical or electronic devices, excluding, however, the costs of the preparation of all or any part of any transcript. The cost of a copy or copies of any such transcription shall be paid by the party or parties ordering the same.
3. In the event there is a dispute as to the Commission's jurisdiction to hear the appeal, the Commission shall decide the jurisdiction issue prior to hearing the appeal.
4. The Commission may request the Chair of the Board of Supervisors to issue subpoenas to compel attendance of any person and the production of any books, papers, or any other evidence relating to any investigation or hearing authorized by these Rules in accordance with the power of the Board pursuant to ARS §11-218. Pursuant to ARS § 12-2212, any member of the Commission may issue subpoenas to compel the attendance of witnesses and/or the production of documentary evidence. In the event that any person fails to appear and/or produce a document in response to said subpoena, any member of the Commission may, by affidavit setting forth the facts, apply to Superior Court for relief.
5. Upon the motion of any Appellant or Respondent, any witnesses not at the time under examination may be excluded from the hearing room. The Appellant, Respondent, their attorneys, or other representatives, shall not be excluded.
6. Witnesses other than employees, who are subpoenaed to attend a hearing or investigation, are entitled to the same fee as is allowed witnesses in civil cases of the State of Arizona. If a witness is subpoenaed by any Hearing Officer on his/her own motion, fees and mileage may be paid from funds of the Commission upon

- 14.2 E. 6. presentation of a duly executed claim. If a witness is subpoenaed upon request of the Appellant or Respondent, the fees and mileage shall be paid by the party requesting the witness. Reimbursement to County employees subpoenaed as witnesses shall be limited to payment of mileage, if appropriate, by the party requesting the witness.

### 14.3 DEPOSITIONS; DISCOVERY

#### A. Depositions

If a witness does not reside within Pima County or within one hundred (100) miles of the place where the hearing or investigation is to be held, is out of state, or is too infirm to attend the hearing or investigation, any party, at his/her own expense, may cause a deposition to be taken. If the presence of a witness cannot be procured at the time of the hearing or investigation, the deposition may be used in evidence by either party or the Commission.

#### B. Discovery by Appellant

Upon Appellant's written request, received by the Respondent not less than seven (7) business days before the hearing, with a copy of said request to the Commission, any Appellant in any appeal before the Commission shall be entitled to receive, subject to payment of fees pursuant to ARS, not less than four (4) business days before the hearing, copies of the following documents:

1. The Appellant's entire personnel file, including any personnel file or files retained by offices other than Human Resources;
2. All memoranda, writings, other documents or printed or recorded materials prepared by or for the Respondent as a result of the events underlying the disciplinary action which is the subject of the appeal, except those which are protected by privilege. In the event any such memoranda, writings, or other documents are claimed by the Respondent to be privileged, the Respondent shall identify each such memorandum, writing, or other document, and inform the Commission and the Appellant;
3. Any and all documents which the Respondent intends to utilize as an exhibit at the hearing.

C. Discovery by Respondent

Upon Respondent's written request, received by the Appellant not less than seven (7) business days before the hearing, with a copy of said request to the Commission, any Respondent in any appeal before the Commission shall be entitled to receive, subject to payment of reasonable costs, not less than four (4) business days before the hearing, copies of the following documents:

1. All memoranda, writings, or other documents or printed or recorded materials prepared by or for the Appellant as a result of the events underlying the disciplinary action and pending appeal, except those which are protected by privilege. In the event any such memoranda, writings, or other documents are claimed by the Appellant to be privileged, the Appellant shall identify each such memorandum, writing, or other document, and inform the Commission and the Respondent.
2. Any and all documents which the Appellant intends to utilize as exhibits at the hearing.

D. Non-Compliance

Failure to comply with the discovery requirements may result in postponement of the hearing and/or exclusion of evidence.

E. Pre-hearing Conference

After the discovery called for in sections B. and C. above, but not less than two (2) business days before the hearing, the parties shall meet to identify witnesses and exhibits, agree to admissibility of exhibits, to stipulate to those facts not in dispute, and to discuss possible settlement. In the absence of good cause, the failure by either party to cooperate in such a conference may result in the exclusion of evidence, the cancellation of the hearing by the Hearing Officer or Commission, and/or the granting of other relief by the Commission, including the dismissal or granting of the appeal.

14.4 DECISION BY COMMISSION

- A. If, after the hearing, the Commission determines that there was just cause for the action imposed, then the order shall be affirmed. If the Commission determines that there was not just cause for the action taken either: (1) because some or all of the charges were not proven to the satisfaction of the Commission; and/or (2) whether or not all of the charges were proven, the action imposed was, in the sole discretion of the Commission, too severe, then the order shall be revoked or modified. The Commission shall have the power to direct appropriate remedial action and shall do so after taking into

14.4 A. consideration just and equitable relief to the employee in the best interest of the County and the public.

B. Deductions from Back Pay Award

If an employee has been dismissed or suspended without pay, and, upon appeal, the Commission revokes or modifies said disciplinary order, and said employee is ordered reinstated with back pay, any interim earnings or amounts earnable with reasonable diligence, including unemployment compensation, shall be deducted from the back pay award. The back pay award, reduced by the amounts specified herein, shall be determined at a hearing before the Commission.

C. Compliance of Appointing Authority

Within ten (10) business days of a notice of decision by the Commission revoking or modifying any order of disciplinary action, the Appointing Authority shall comply with the Commission's decision, and shall render a report to Human Resources.

D. Judicial Review

The decisions of the Commission shall be final and shall be subject to judicial review only as provided in ARS § 12-901 *et seq.* The decision of the Commission shall not be deemed final for purposes of initiating judicial review under ARS § 12-901 *et seq.* until an order as to the amount of back pay, if any, has been duly made.

- A. Each Appointing Authority shall adopt an employee performance appraisal process which provides for employee evaluations on at least an annual basis.
- B. All employees, except those exempted by the County Administrator, are to be given a written evaluation 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. Probationary employees are to be given a written evaluation of their performance at the mid-point of the probationary period.

A. Applicability

Unless otherwise stated herein, the Personnel Policies shall apply to all positions and employees, including law enforcement positions and employees, in the classified and unclassified service within Pima County Government.

B. Definitions

Unless otherwise stated herein, the terms used in these Policies are defined as set forth in Merit System Rule 1.

A. Definitions

1. "Relative" means the spouse or domestic partner, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother or sister of the whole or half blood or child of a spouse or domestic partner.
2. "Executive, legislative, ministerial or judicial officer" includes all officials of the state or of any county or incorporated city within the state, holding office either by election or appointment, and the heads of the departments of state, county or incorporated cities, officers and boards or managers of the universities.

B. It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial, or judicial officer to appoint or vote for appointment of any person related to him or her by affinity (marriage), domestic partner relationship, or consanguinity (blood) within the third degree, to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial, or judicial officer is a member, when the salary, wages, or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for, or agree to appoint, or to work for, suggest, arrange, or be a party to the appointment of any person in consideration of the appointment of a person related to him or her within the degree provided by this section.

- C.
1. Relatives shall not be employed in positions where one is in a supervisory chain of the other.
  2. Relatives shall not be employed in the same department when the Appointing Authority determines that safety, efficiency, morale, or administration of the department's operation is adversely affected. If the Appointing Authority is one of the relatives, such determination shall be made by the County Administrator.
  3. Employees who become relatives after appointment shall not continue to be employed in violation of this Policy. One of the two employees must be appointed to an appropriate vacancy in accordance with Merit System Rules or resign. If no resolution has been reached within six (6) months, the Appointing Authority or the County Administrator shall determine which employee is to be affected or involuntarily terminated.

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 medical services pay.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law. For purposes of computing overtime hours, in addition to hours worked, annual leave and compensatory time used shall be included. Sick leave, bereavement leave, and administrative leave do not count as hours worked for the purpose of computing overtime. The holiday benefit is to be included as time worked only if it is part of the normally scheduled work week.

At the option of an Appointing Authority, the "8 and 80" definition of overtime may be utilized for hospitals and/or residential care establishments as provided in Section 207 (j and k) of the Fair Labor Standards Act.

3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. "Work week" means seven (7) consecutive twenty-four (24) hour periods. Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday, unless otherwise designated by the Appointing Authority.
5. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday.

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 a 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:

- C.
1.
    - 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.
  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.

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 through a pager 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)	Second Monday in October	Columbus Day
(8)	November 11	Veterans' Day
(9)	Fourth Thursday in November	Thanksgiving Day
(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, 8, 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, 8, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.

2. If possible exempt and non-exempt 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 eight (8) hours of time off and variable-time, part-time employees and employees on intermittent or reduced schedule leave under FMLA shall receive a prorated amount of time off. For non-exempt employees, holiday benefit hours are based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. The prorated calculation shall be ten percent (10%) of the regular hours paid. 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 an 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 plus the following holiday pay:

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

- F. 3. If an employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off, 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. Pursuant to A.2 above, annual leave and compensatory time are included in hours worked for the purpose of computing overtime.
4. If half or more of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.
5. If mutually agreeable to both Appointing Authority and employee, a non-exempt employee eligible for the holiday benefit may be given time in lieu of holiday pay for all hours worked on the holiday. These hours must be used within six (6) months from the time of their accrual or the County shall invoke its option to pay the employee for the accrued time.
6. 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 a prorated amount of holiday benefit based on the number of accrued leave or compensatory time hours used in the same pay period.
7. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive a prorated amount of holiday benefit based on the number of hours paid in the same pay period.
8. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit hours based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Donated hours and/or unpaid hours will not be calculated nor applied for these purposes.
9. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Donated hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

1. Definitions

- a. "Day shift" means a work shift between 8 a.m. and 5 p.m.
- b. "Evening shift" means a work shift between 5 p.m. and midnight.
- c. "Night shift" means a work shift 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, or any portion thereof, shall be eligible to 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. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of sixty-five cents (\$0.65) per hour.

3. A non-exempt employee of Pima Health Care System in a classification listed on Attachment I below, who works an evening or night shift, or any portion thereof, shall be eligible to receive shift differential pay of seven percent (7%) of the salary minimum of the open range for the classification of Patient Care Services Level II for evening shift and eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II for night shift, in addition to the current hourly rate for each hour worked on the shift. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II.

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who work evening or night shifts, perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall submit a request to the County Administrator with justification for the special assignment pay.

I. Medical Services Pay

1. Non-exempt medical care employees who provide immediate and direct patient care for one (1) or more patients, and whose classifications are listed on Attachment II, shall receive medical services pay at the rate of one dollar and seventy-five cents (\$1.75) per hour, while waiting to be engaged to work. Medical services pay may not be coincident with any other pay except for paid holidays. Employees may not be designated to receive medical services pay on a continuous basis for more than one (1) pay period, unless exempted by the County Administrator.
2. Eligible employees shall be designated by the Appointing Authority or designee and shall be available to report to work within thirty (30) minutes of being called. Employees who fail to report within the specified time-frame shall forfeit their medical services pay and may be subject to termination.
3. Employees who report to work and provide direct patient care services in a medical setting shall be paid at a rate equal to one and one-half (1½) times their regular rate of pay for all hours worked, with a minimum of two (2) hours pay.
4. Employees who turn in or pick up required medical documentation, and who do not provide direct patient care services in a medical setting, shall receive straight time for all hours worked up to forty (40) hours per work week. Any hours worked over forty (40) in any work week shall be paid at the standard overtime rate of one and one-half (1½) times the employee's regular rate of pay.
5. Any employee eligible for medical services pay who is able to resolve the problem by telephone, and is not required to report to work, shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received. Telephone resolution shall be paid at the employee's regular rate of pay, unless overtime provisions prevail.
6. The work period shall begin when the employee reports to work and shall end when the employee completes the job assignment. Employees who report to work under the medical services pay policy are not entitled to reimbursement for transportation or mileage costs.

J. Attachments

Positions may be added to or deleted from the Attachment(s) to this Policy by Human Resources, with County Administrator approval.

ATTACHMENT I, PIMA COUNTY POLICY 8-102  
(SHIFT DIFFERENTIAL - COUNTY WIDE)

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
LPN	4131
LPN Team Leader	4133
Patient Care Services II	4146

ATTACHMENT II, PIMA COUNTY POLICY 8-102  
(MEDICAL SERVICES PAY - COUNTY WIDE)

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
Nursing Assistant - Certified	4111
Mental Health Technician	4117
Licensed Practical Nurse	4131
Patient Care Services II	4146
Respiratory Therapist	4173
Senior Respiratory Therapist	4174
Physical Therapist	4183

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. Work Schedules

Work schedules are established at the discretion of the Appointing Authority.

B. Tardiness and Absence

1. All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative. This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. Failure to notify without good reason shall constitute an unauthorized absence without pay.
2. Time off work with pay shall be allowed only as provided in County Personnel Policies for compensatory time, paid holiday time, or various paid leaves.
3. Employees classified as Executive (E), Administrative (A), or Professional (P) are required to be at work as scheduled by the Appointing Authority. All absences, including those of less than a full working day, must be approved in advance by the Appointing Authority or designee.
4. It is the responsibility of the employee to notify the Appointing Authority or designee when absence from assigned duties and/or work schedule is required.

C. Breaks

1. All county employees shall adhere to work breaks established by the Appointing Authority or designee.
2. Smoke breaks will not exceed the number or duration of work breaks afforded other employees. Tobacco use is prohibited in all county buildings and structures, including garages and stairwells, county vehicles, including rental cars used for county business, and within twenty-five (25) feet of entrances, windows and vents to any building or within twenty-five (25) feet of nonsmoking county employees when present at a work site other than a building or structure.
3. For a maximum of one (1) year after the birth of a child, nursing mothers may take reasonable break time, whenever necessary, to express breast milk. Such breaks are not paid time. In those circumstances where paid breaks are provided, an employee who uses that break time to express milk will be compensated in the same manner that other employees are compensated for such break time. Break time utilized by nursing mothers to express milk that exceeds the amount of time allowed for other work breaks is not an unscheduled absence.

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.
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. Annual leave shall accrue during any approved leave of absence with pay.
5. Annual leave shall not accrue during any leave of absence without pay or suspension without pay.
6. 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. A full-time employee with fewer than three (3) years of service (established by anniversary date) shall accrue twelve (12) days of annual leave per year at the rate of three and seven-tenths (3.7) hours per pay period.
2. A full-time employee with three (3) to seven (7) years of service (established by anniversary date) shall accrue fifteen (15) days of annual leave per year at the rate of four and sixty-five hundredths (4.65) hours per pay period.
3. A full-time employee with seven (7) to fifteen (15) years of service (established by anniversary date) shall accrue eighteen (18) days of annual leave per year at the rate of five and fifty-five hundredths (5.55) hours per pay period.
4. A full-time employee with more than fifteen (15) years of service (established by anniversary date) shall accrue twenty-one (21) days of annual leave per year at the rate of six and forty-seven hundredths (6.47) hours per pay period.

- B. 5. A part-time or variable-time employee shall accrue annual leave at a pro-rated amount of the full-time employee accrual rate (as set forth in paragraphs B.1-4 above) based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon donated hours will not be pro-rated or calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated annual leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

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. Credit in excess of two hundred forty (240) hours becomes void at the end of the payroll period in which the employee's anniversary date falls. At the discretion of the Appointing Authority and with the specific approval of the County Administrator, an employee may retain annual leave in excess of two hundred forty (240) hours.
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. Accruals earned at the end of the current pay period are not available for use until the following pay period.
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.
4. All employees are encouraged to take a two-week vacation per year for the purpose of rest and recuperation.

- D. 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 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 absences of less than a full work day.
7. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.

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. Voluntary Transfer of Accrued Annual Leave Hours to Another County Employee as Sick Leave Credit

A permanent County employee may request no less than four (4) nor more than forty (40) hours per pay period of his/her accrued annual leave as described below be transferred to another County employee as sick leave credit provided:

1. The recipient of the donated (transferred) hours is currently on an approved medical leave of absence without pay, including continuous or intermittent FMLA leave for his/her own serious health condition, or off work due to a workers' compensation injury, and possesses a doctor's certification specifying that the recipient is not yet able to return to work or is returned to work on an intermittent basis. Such an employee on continuous or intermittent FMLA leave for his/her family member's serious health condition is eligible to receive donated hours.

- G.
2. The recipient has exhausted all paid sick and annual leave and compensatory time from his/her own accounts.
  3. The recipient is under no obligation to repay the donated hours or monies.
  4. The donor initiates the request voluntarily, in writing, and submits the request to his/her department payroll representative for verification. The department payroll representative then forwards the written request to Central Payroll with the time summary. If the recipient is in a different department, a copy of the request should also be sent to the recipient's department payroll representative.
  5. The recipient shall begin to receive the donated leave time immediately following the exhaustion of his/her own leave time as indicated in Paragraph G.2 above.
  6. Leave hours donated to another employee shall be paid at the current rate of the recipient and all his/her deductions shall apply. Recipients, except for those currently receiving workers' compensation benefits, shall not accrue annual and sick leave benefits during the period of time they are using voluntarily transferred leave time.
  7. If more time was donated than the recipient required, only the needed amount shall be deducted from the donating employee.

H. Transfer of Accrued Annual Leave Hours to Sick Leave

In order to prevent the loss of annual leave (established by anniversary date) and supplement the accrual of sick leave, a permanent employee may transfer any amount of accrued annual leave hours in excess of two hundred forty (240) to sick leave. Transfer of excess annual leave hours to sick leave is done only at the written request of the employee. Requests must be made to the Appointing Authority within thirty (30) calendar days prior to the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed.

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. New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.
2. 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.
3. Sick leave shall accrue during any approved leave of absence with pay.
4. Sick leave shall not accrue during any leave of absence without pay or suspension without pay.
5. Upon returning to County employment, an employee who retired from Pima County with fewer than 241 hours of unused sick leave hours is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
6. 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.
7. 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 full-time employee shall accrue sick leave at the rate of three and seven tenths (3.7) hours per pay period.
2. An eligible part-time or variable-time employee shall accrue sick leave at a pro-rated amount of three and seven tenths (3.7) hours per pay period based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon donated hours will not be pro-rated nor calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated sick leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

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. Accruals earned at the end of the current pay period are not available for use until the following pay period.
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.
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. Both exempt and nonexempt employees are required to use all available accrued sick leave when on intermittent or full time FMLA leave.
  - b. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.
  - c. 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.

- D. 4. d. Use of sick leave as defined in c. 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.
- e. 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.d. above.
- f. 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.
- g. 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, an eligible employee may convert 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) to annual leave at the employee's request. 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 employee cannot transfer any sick leave hours to annual leave).
- a. Transfer of sick leave hours to annual leave is done only at the written request of the employee. Requests must be made to payroll within thirty (30) calendar days after the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed. This transfer applies to all permanent employees and to deputy sheriffs who have

- D. 7. a. 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 convert 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, to annual leave.

- b. A permanent County employee may request no less than four (4) nor more than fifty-six (56) hours of sick leave accrued during the current year (established by anniversary date) be transferred to another County employee as sick leave credit provided the donor has earned at least fifty-six (56) hours of sick leave during this time period and at the time of donation has not used more than fifty-two (52) hours of sick leave during the current anniversary year. The donor shall not be eligible to convert to annual leave any hours of sick leave that have been donated during the current anniversary year.
- c. A permanent County employee who has accumulated the maximum amount of sick leave hours as established by PP 8-106.C.1 may request no less than four (4) nor more than fifty-six (56) hours be transferred to another County employee as sick leave credit. In no case, shall the donor be eligible to donate hours on or before the fifteenth (15th) pay period following the end of the pay period in which the donor's anniversary falls.

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.

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

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 shall, upon passing probation, regain the accrued sick leave held at the time of resignation.

G. Voluntary Transfer of Accrued Sick Leave Hours to Another County Employee as Sick Leave Credit

A permanent County employee may request no less than four (4) nor more than forty (40) hours per pay period of his/her accrued sick leave as described below and in Section D. of this Policy be transferred to another County employee as sick leave credit, provided:

1. The recipient of the donated (transferred) hours is currently on an approved medical leave of absence without pay, including continuous or intermittent FMLA leave for his/her own serious health condition, or off work due to a workers' compensation injury, and possesses a doctor's certification specifying that the recipient is not yet able to return to work or is returned to work on an intermittent basis.

- G.
2. The recipient has exhausted all paid sick and annual leave and compensatory time from his/her own accounts.
  3. The recipient is under no obligation to repay the donated hours or monies.
  4. The donor has not given notice of resignation, has not scheduled or been scheduled for termination to include terminations defined in Merit System Rule 11, or has no intention to resign less than thirty-one (31) days prior to donating his/her sick leave hours.
  5. The donor initiates the request voluntarily in writing and submits the request to his/her department payroll representative for verification. The department payroll representative then forwards the written request to Central Payroll with the time summary. If the recipient is in a different department, a copy of the request should also be sent to the recipient's department payroll representative.
  6. The recipient shall begin to receive the donated leave time immediately following the exhaustion of his/her own leave time as indicated in Paragraph G.2 above.
  7. Leave hours donated to another employee shall be paid at the current rate of the recipient and all his/her deductions shall apply. Recipients, except for those currently receiving workers' compensation benefits, shall not accrue annual and sick leave benefits during the period of time they are using voluntarily transferred leave time.

For part-time and variable-time employees, donated time shall be pro-rated based on an average of the regular hours paid during the six (6) pay periods prior to the application of the donated time.

8. If more time was donated than the recipient required, only the needed amount shall be deducted from the donating employee.
9. An employee who retires from County service may donate to another employee as sick leave credit any portion of the sick leave hours subject to conversion to annual leave for retirement payout purposes, pursuant to H.4 below. The retiring employee may donate only those hours subject to conversion. The donated hours will be deducted from the total hours eligible for retirement payout. Employees who leave County service for reasons other than retirement are not eligible to donate accrued sick leave hours.

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.

H. 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
241 - 480 hours	25% of all hours up to 480
481 - 720 hours	35% of all hours up to 720
721 + hours	50% of all hours

4. 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. 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.
  - 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 management leave with pay during the time when he/she is scheduled to work. The purpose of management leave is to recognize exceptional performance. Management leave may be granted for up to a maximum of three (3) work days at any one time at the discretion of the Appointing Authority. 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.

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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.

- D. 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 working (i.e., not on any type of approved leave of absence) are eligible for the remembrance day. The only exceptions are employees on intermittent family and medical leave or employees on modified duty workers' compensation who are actually working.
4. Full-time employees shall be granted a single day of eight (8) hours of paid time off. Part-time and variable-time employees and employees on intermittent family and medical leave or employees on modified duty workers' compensation who are actually working shall receive a prorated amount of paid time off based on regular hours paid in the previous pay period. If no regular hours were paid in the previous pay period, the amount of paid time off shall be based upon regular hours worked during the pay period in which the remembrance day is administered.
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 an employee's spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, 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

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1. 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) consecutive work days per occurrence for the death of an eligible family member occurring within the State of Arizona, or up to five (5) consecutive work days per occurrence for the death of an eligible family member occurring out of state.
  3. 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.
  4. 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 disability leave and working during the pay period when bereavement leave is requested.
  5. 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.
  6. The Appointing Authority or designee may require a death certificate, obituary, or documentation from the funeral home.
  7. 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.
  8. Full-time employees shall receive eight (8) hours of paid time off for each day of approved bereavement leave. Part-time and variable-time employees shall receive a prorated amount of paid time off based on regular hours paid in the previous pay period. If no regular hours were paid in the previous pay period, the amount of paid time off shall be based upon regular hours worked during the pay period in which paid bereavement leave is approved.
  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 Disability	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) weeks
Military Family 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 Disability

An employee may be granted a leave of absence without pay when unable to work because of a medical disability that is documented by a recognized physician or medical practitioner. Medical disability includes disability arising from pregnancy or childbirth. For continuing disabilities, official documentation of the status of the disability may be required on a monthly basis at the discretion of the Appointing Authority. Upon returning to work from medical disability leave, the employee shall provide a written release from his/her attending physician or medical practitioner. Medical disability leave will end effective the date an employee is notified of his/her full or permanent long term disability coverage. Employees receiving full coverage under long term disability shall immediately resign from County employment. Intermittent medical disability leave without pay

C. 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.7. Humanitarian/personal leave includes a leave of absence due to the birth and/or adoption of a child and the serious illness of a child, stepchild, foster child, grandchild, spouse, mother, father, grandparent, domestic partner and/or the child of the domestic partner, as established by affidavit once a year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

G. Family and Medical Leave Act (FMLA) Leave

1. Family and Medical Leave: An employee may be granted a leave of absence without pay as determined by Federal law and regulations under the FMLA. The FMLA is set out by administrative procedures which comply with the Family and Medical Leave Act.
2. Military Family Leave: The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces as established in the Federal law and regulations.

- G. 3. The employee is required to use accrued sick and/or annual leave banks and compensatory time concurrent with FMLA unpaid leave and pursuant to administrative procedures. This applies to all eligible exempt and non-exempt employees on intermittent or full-time FMLA leave.

H. Victim Leave

1. General Conditions

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

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

- b. The employee shall maintain all seniority rights while absent from employment under these provisions.
- c. All records regarding an employee's victim leave shall be considered confidential and maintained in a separate department personnel file.

2. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.

- a. "Victim" is defined as a person against whom the delinquent act or criminal offense has been committed, or if the person/victim is killed or incapacitated, the person's immediate family or lawful representative.

(1) "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.

(2) "Lawful representative" means a person who is designated by the victim or appointed by the court to act in the best interests of the victim.

- b. Exception: a family member is not entitled to take victim leave who is in custody for an offense or is the accused.

3. Employee's option for pay: victim leave is unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need be exhausted before victim leave begins.

- H. 4. Department requirements: at the conclusion of the leave period, the department shall assign the employee to the same or an equivalent position with the same pay, benefits and working conditions. An employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period.
5. Leave request procedure: an eligible employee shall provide the Department with the following documentation before victim leave is granted:
- a. A copy of the notice from law enforcement or the prosecutor regarding the employee's status as a crime victim; and
  - b. A copy, if applicable, of the notice of any scheduled proceeding.

I. General Provisions

- 1. An employee shall submit his/her request for a leave of absence without pay at least two (2) weeks in advance of such leave, unless such advance time is not practicable, or is reduced or waived by the department. The employee must also complete a Leave of Absence Insurance Coverage Agreement or group insurance will cease during the leave period. 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 full-time FMLA leave, unless the employee is using his/her own leave banks. Employees on intermittent or reduced schedule leave under FMLA or on intermittent medical disability 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. Donated hours and/or 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.
- 5. A leave of absence without pay shall not be granted for an employee to engage in outside employment.

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  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 submit a Leave of Absence Insurance Coverage Agreement to Human Resources prior to such leave.
  8. An employee starting a leave of absence without pay, other than FMLA leave, is expected to pay the full cost of the insurance premiums, which includes both employee's and employer's shares. The employee starting FMLA leave is expected to pay only the employee's cost of the premiums. If insurance coverage lapses, an employee can elect to continue coverage within thirty (30) calendar days upon returning to work.
  9. An employee on intermittent medical disability 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 as set forth in C. for intermittent medical disability leave and for intermittent FMLA leave.
  11. Resignation during a leave of absence without pay becomes effective two (2) weeks from date of notice, or at the end of the leave of absence, whichever occurs first.

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

A. Definitions

1. "Garnishment" means the retention of wages or property pursuant to legal process by employer or other person to satisfy a debt owed to a creditor.
2. "Assignment" means the transfer of property (wages) to be held in trust or to be used for the benefit of creditors.

B. Wage Garnishment and Wage Assignment

1. The amount of earnings to be withheld and forwarded to the judgment creditor is as set forth in the non-exempt earning statement for the appropriate pay period.
2. A service charge shall be assessed by the County for processing the garnishment.
3. A County employee cannot make a voluntary assignment of future wages not yet earned (*Byers vs. Comer*, 50 Arizona 9, 68-P 2d-671).
4. An employee may not be dismissed because earnings have been subjected to garnishment and/or assignment.

A. Definition

"Outside employment" is 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.

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.

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. 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 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 County Risk Manager.

- A. Employees who are hired to work at least twenty (20) weeks in a fiscal year and twenty (20) or more hours per week become members of the Arizona State Retirement System upon employment.
  
- B. If an employee is hired to work part-time, sometimes working twenty (20) or more hours in a week and sometimes working less, that employee becomes eligible at the start of the twentieth (20<sup>th</sup>) week of working twenty (20) or more hours in a fiscal year. Once an employee meets eligibility in a fiscal year, he or she remains eligible until the end of the fiscal year.

The Pima County Finance and Risk Management Department administers a Workers' Compensation program as set out by administrative procedures which comply with State statutes.

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.

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 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 inform Finance and Risk Management of the testing, but is not required to obtain 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 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.

- 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. Employees participating in mediation are entitled to be assisted by a 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. Human Resources may determine that the mediation would more appropriately be conducted in separate sessions for each disputing party.
  5. 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.

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  - 6. 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.
  - 7. 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. "Payroll deduction" means the subtraction from a County employee's paycheck of employee organization dues and/or approved donations to charitable organizations which are voluntarily authorized by the employee.
2. "Employee organization" means the Pima County Credit Union, or those organizations not primarily engaged in partisan political activities, whose memberships are primarily composed of County employees and who represent the interests of those employees in their relationships with the County as an employer.

B. Policy

1. Payroll deductions may be made for an employee organization and/or County-approved charitable organization, provided the organization's payroll deduction authorizations are not less than two hundred (200) at the time payroll deductions are initiated.
2. Payroll deductions may be terminated upon the request of the organization or employee.

A. Basic Pay Plan

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

B. Pay Periods

A pay period (26 per year) shall be two (2) weeks in length. Each pay period begins at 12:01 a.m. Sunday and ends 12:00 midnight the second (2nd) Saturday thereafter. Wages shall not be withheld for more than five (5) business days following the end of each pay period. Payday shall be on the Friday following the end of each pay period.

C. Entrance Salary

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

D. Reinstatement/Reemployment

Reinstatement or reemployment of a laid-off employee shall ordinarily be at the minimum salary of the assigned grade/open range or in accordance with the approved Salary Administration Plan for open range appointments. The Appointing Authority may recommend hiring above the minimum salary in two and one-half percent (2.5%) increments, up to seven and one-half percent (7.5%), based on recruiting difficulty, the appointee's qualifications and the needs of

D. the department. Reinstatement or reemployment above the minimum salary of the pay grade/open range requires the County Administrator's approval.

E. Reassignment

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

F. Adjustment

1. Upward adjustment

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

2. Downward Adjustment

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

G. Pay Adjustment

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

H. Promotion

When an employee is competitively promoted, his/her salary shall be raised up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum salary of the new grade/open range, unless more is

H. necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary Administration Plan. Promotional increases in excess of the five percent (5%) require written approval by the County Administrator.

I. Demotion

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

J. Reappointment

A reappointed employee shall receive a salary increase only with the approval of the County Administrator, or when reappointed to a classification having an approved salary matrix (salary administration plan) and when such an adjustment is consistent with the salary matrix. In all other cases, a reappointed employee shall receive no increase in pay.

K. Reclassification

1. When an employee is reclassified to a classification of a higher grade/open salary range, his/her salary shall be raised two and one-half percent (2.5%), provided it does not exceed the maximum salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary Administration Plan.
2. When an employee is reclassified to a classification of a lower grade/open salary range, he/she shall be placed in the new grade/open range at a rate that results in the same salary held in the previous grade/open range. If the employee's previous salary exceeds the maximum salary of the new grade/open range of the new classification, the employee shall retain the previous salary, resulting in no loss in pay. There shall be no increase to the employee's salary until his/her pay is within the salary range of the new classification.

L. Detail

When an employee is detailed to a position with a higher salary grade/open salary range for more than fifteen (15) work days, his/her salary shall be raised five percent (5%), provided it does not exceed the maximum salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary

L. Administration Plan. After the detail is completed, the employee shall return to the same grade/open range and pay held before the detail, plus any salary increases which may have occurred during the detail.

M. Merit Increase

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

N. Open Range Classifications

1. Classifications which are authorized by the Board of Supervisors as open range shall be assigned an alphanumeric salary grade. The salary for each incumbent shall be determined in accordance with a Salary Administration Plan approved by the County Administrator. All alphanumeric salary grades are not open range.
2. Any adjustments to the incumbent employee's salary within an open range classification shall be determined by the Appointing Authority, based on a County Administrator approved pay matrix and Salary Administration Plan. In no case shall adjustment in the incumbent's salary raise the incumbent's salary above the maximum of the salary range.
3. Merit increases shall be limited to one per year and may be awarded in a different manner than 8-117 M above and in accordance with the approved Salary Administration Plan. The merit increase shall be granted based upon a performance appraisal conducted pursuant to Merit System Rule 15, with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. In no case shall a merit increase raise an employee's salary above the maximum of the salary range.

O. Open Range Reappointments

1. When an employee moves from a position with a salary grade to a position with an open salary range, his/her salary shall remain the same, unless more is necessary to reach the starting salary of the open range or salary as determined by the approved Salary Administration Plan. If the change in pay results from a competitive process, the department may offer the employee a lower salary based on internal equity issues or a higher salary up to five

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

P. Anniversary Increases

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

Q. Compensation Effective Date

1. The effective date for compensation actions defined in 8-117 F, G, and K above shall be the first day of the pay period following the County Administrator's approval, unless otherwise addressed in policy or by the Board of Supervisors directive. In all cases stated above, the County Administrator's approval shall be required.
2. The effective date for compensation actions defined in 8-117 H and I, not requiring County Administrator approval, shall be the first day of a pay period.

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 assuring that employment information is filed in the appropriate personnel file. An Appointing Authority with centralized Human Resources staff support shall designate that staff to maintain the department personnel and medical records on his or her behalf while still maintaining the ultimate responsibility for this task.
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);
  - 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;
  - i. Relevant credentials and/or verification of transcripts or diplomas as stated on the application;
  - 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;
  - n. Applicant Consent to Release Liability and Reference Information Form and accompanying reference check documentation;
  - 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 evaluation, 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 the performance evaluation 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 assure 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.

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

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

- P. Do not engage in physical violence or threats of physical violence with fellow employees and the public.
- Q. Do not use abusive, profane, or obscene language or gestures or display obscene or offensive materials. Materials related to the health field which are determined to be of business necessity are excluded from this Policy.
- R. Do not make slurs and/or remarks concerning race, color, religion, national origin, age, sex, disability, veteran's status, sexual orientation or results of a genetic test received by the County, when applicable.
- 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. Relationships between employees and minors that include dating or romantic involvement are strictly prohibited.
- 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. Supervisory responsibilities include:
  - 1. Assuring 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. Assuring 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.

- Y. 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, which means anything exceeding \$25 in value, as a gift, gratuity, favor, entertainment, or loan, which is, or may appear to be, designed to influence the employee's official conduct.
  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.

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.

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.

A. Definitions

1. "Seniority" means the actual number of hours for which paid, excluding overtime, during periods of continuous employment with the County. It also includes all hours of approved paid leave time.
2. "Date of hire" means the date of appointment to continuous County employment.
3. "Anniversary date" means the date of appointment to a regular appointment type without a break in service. The anniversary date may be adjusted for reinstatement or reemployment which are defined in Rule 1.
4. "Break in service" means that a termination action has taken place.
5. "Continuous employment" means employment which has no break in service.

B. Conditions of Accumulation

1. An employee begins to accumulate seniority from date of hire.
2. Seniority earned as a temporary employee shall be applied to seniority accumulation if no break in service resulted from the change in status.
3. A reinstated or reemployed employee regains the seniority held at the time of termination.

A. Coverage

1. The County offers group insurance coverage for its employees and their dependents as follows:
  - a. Medical insurance;
  - b. Dental insurance;
  - c. Life insurance (basic and supplemental);
  - d. Additional plans, as adopted by the Board of Supervisors. Such additional plans may be governed by Administrative Procedures.
2. An employee may be required to share the cost of insurance, except that the County pays for the entire premium cost of the basic life policy.
3. Employees electing coverage may choose to cover eligible dependents.

B. Eligibility for Insurance Coverage

1. A regular full-time or part-time employee hired to work and receiving pay for twenty (20) or more hours per week, or forty (40) or more hours per pay period, is eligible. A variable-time employee hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, regardless of the actual number of hours worked, is eligible. A temporary employee extended beyond the first six (6) months of employment and hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, is eligible.
2. If both spouses or domestic partners work for the County and are eligible for benefits, only one (1) person is allowed to cover eligible dependents (medical and dental insurance only). For the purpose of Pima County insurance coverage, an eligible dependent is a legally married spouse, domestic partner, natural born child, stepchild, adopted child of the employee or domestic partner, child who has been placed for adoption with the employee or domestic partner and for whom the application and approval procedures for adoption pursuant to ARS §8-105 or §8-108 have begun, and/or a child for whom the employee or domestic partner has obtained court ordered guardianship.

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

C. Enrollment and Effective Date

1. Insurance coverage becomes effective the first day of the month following completion of thirty (30) calendar days of eligibility. An eligible employee electing insurance coverage must enroll with Human Resources within the scheduled enrollment period or wait until the next open enrollment period to obtain insurance coverage. Bi-weekly premium deductions will begin the first pay period following enrollment.
2. A reinstated employee's insurance coverage becomes effective the first day of the month following reinstatement.
3. A reemployed employee shall be treated as a new employee.

D. Open Enrollment

1. Open enrollment for group insurance is held at least once a year and is scheduled by Human Resources. This is a specified period during which an eligible employee may enroll or change medical/dental insurance plans, cancel medical/dental insurance, add eligible dependents, cancel dependents, or enroll in supplemental life insurance (with restrictions).
2. Supplemental life insurance is available on an open and continuous enrollment basis for all employees who elect to purchase benefits with post-tax dollars. Employees who purchase benefits with pre-tax dollars may enroll or change supplemental life insurance coverage only during the annual open enrollment. Evidence of insurability of all applicants, except new employees, will be required for supplemental life insurance.

E. Coverage Changes, Cancellation of Coverage, Changes in Family Status

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

F. Leave Without Pay; Reduction of Hours

1. An employee starting a leave of absence without pay may continue coverage under any of the County's group insurance programs by submitting a Leave of Absence Insurance Form prior to such leave.
2. An employee on a leave of absence without pay, who terminates prior to the end of such leave, shall be responsible for payment of insurance premiums up to the date of termination.
3. If the employee's insurance coverage is terminated due to non-payment of premium, cancellation will be effective the end of the payroll period for which premiums were paid.
4. Insurance coverage under a reduction of hours will be as follows:
  - a. If an employee receives pay for less than forty (40) hours in one (1) pay period, or is on an approved leave of absence without pay for one (1) pay period, the County shall continue its contribution for medical and dental insurance coverage for the employee.
  - b. If the employee receives pay for less than forty (40) hours in two (2) or more consecutive pay periods, or is on an approved leave of absence without pay for two (2) or more consecutive pay periods, the employee will be responsible for paying the employee's share and for reimbursing the County for its share of the medical and dental premiums.
5. An employee on leave for a workers' compensation injury shall be responsible only for that portion of the premium(s) which would normally be deducted from her/his biweekly paycheck.
6. Unless the employee is transferred to a non-insurance eligible status position, the County will continue to pay for basic life insurance coverage throughout the approved leave of absence without pay, or when the employee is receiving pay for less than forty (40) hours per pay period.

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

1. When an employee is on an approved leave of absence without pay under the provisions of FMLA, the County will continue to pay to insurance providers the County's contribution for medical, dental and basic life insurance coverage for up to twelve (12) weeks during any twelve (12) month period. An employee taking leave under FMLA will be responsible for payment of the employee's share of premium costs for any County-sponsored insurance benefits.

- G. 2. An employee starting an FMLA leave of absence without pay may continue coverage under any of the County's group insurance programs by submitting an FMLA Leave of Absence Insurance Form prior to such leave.
3. The County may recover insurance premiums paid on behalf of an employee during an unpaid leave under the provisions of FMLA if:
- a. The employee fails to return from leave after the leave period has expired, and
  - b. Fails to return for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to take FMLA leave, or other circumstances beyond the employee's control.

H. Retirement Benefits

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

I. Complaints

Formal complaints may be made in writing to Human Resources.

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

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

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 paycheck from the departmental payroll section; ARS § 23-353 provides:
    - (1) Employees who are dismissed shall be paid wages due within three (3) 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 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 the final paycheck provided the amount withheld does not bring the employee's pay below the required minimum wage or overtime levels.

- A. 4. An employee who 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 the final paycheck 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 the final paycheck 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 the final paycheck. 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 the final paycheck 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 the final paycheck. 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 the final paycheck 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 the final paycheck 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 full-time 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.4, 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.4, 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 as of the effective date of termination and shall be paid for accrued compensatory time at the rate of the previous position.