TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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(Revised as noted in the Appendix)

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REVISED PERSONNEL POLICIES AND PROCEDURES

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FORWARD

These personnel policies for the Town of Marana have been designed, revised, approved and implemented in order to provide each employee of the Town a clear and thorough understanding of the policies by which Marana strives to operate, and the conditions under which employment with the Town is accepted or continued. Knowing what your responsibilities are to the Town and understanding which rights and privileges you enjoy will serve to optimize working conditions and result in a professional, safe, enjoyable and efficient workplace.

Amendments or additions to these personnel policies shall be authorized only by the Marana Town Council. Each Town employee shall then be advised of the amendment or addition and shall immediately adhere to it. No employee, supervisor, Department Head or Council Member is authorized to make any oral representations or promises that vary from the provisions of these policies or that vary from the departmental rules and regulations (if any) applicable to that employee's department. Any such oral representations or promises are hereby declared to be null and void and should not be relied upon by any employee. Neither this manual nor the personnel policies create an employment contract with employees.

Violations of these personnel policies will be perceived as a serious matter and may result in disciplinary or other administrative action.

INTRODUCTION TO PERSONNEL POLICIES AND PROCEDURES

Section 1 Purpose

A. These policies were developed to provide:

1. A written set of guidelines for human resources decisions;
2. A means of communication with employees, supervisors and directors;
3. A framework for consistency and fairness in recruitment, selection, placement, promotion, retention and separation of Town employees based upon employees' qualifications for a position;
4. A way to promote the Town's philosophy;
5. A tool to assist managers in the development of sound management practices and procedures; and
6. A means of protecting the legal interests of the Town in compliance with federal and state laws.

Section 2 Scope

A. These policies and procedures apply to all employees of the Town of Marana except where specifically stated otherwise in the Town Code, in these personnel policies, or in the case of the Town Manager and Town Magistrate, in an employment agreement. These policies and procedures do not apply to non-employee positions as defined in the Town Code, including elected officials; members of boards, committees, and commissions; persons engaged by the town on a contractual basis; volunteer personnel; and other personnel whom the Council may designate.

B. In the event of conflict between these policies and procedures and state, local, or federal law, the terms and conditions of the state, local, or federal law shall prevail.

Section 3 Amendments

A. Amendments to these policies may be proposed to the Town Council through the Town Manager or Human Resources Director. The Council may, at its sole discretion by ordinance and/or resolution, amend or repeal these policies at any time, with or without notice. Amendments to these policies become effective upon their adoption by the Town Council, or as otherwise designated by the Town Council.

B. Amendments to these personnel policies may be adopted by a majority vote of the Town Council at any public meeting of the Council. Amendments may be proposed and adopted on the consent agenda.

Section 4 Personnel Policy Administration

Administration of the personnel policies is the responsibility of the Human Resources Director.

Section 5 Disclaimer

None of these provisions shall be deemed to create a vested contractual right for any employee nor to limit the power of the Town Manager or Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

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CHAPTER 1

GENERAL EMPLOYMENT RIGHTS AND RESPONSIBILITIES

POLICY 1-1 EQUAL EMPLOYMENT OPPORTUNITY

The Town of Marana provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or status as a Vietnam era or special disabled veteran in accordance with applicable federal laws.

Section 1-1-1 Non-Discrimination

The Town complies with applicable state laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

A. Reasonable Accommodation

The Town also provides equal treatment for disabled employees who can perform with accommodation the essential tasks of the position that are bona fide occupational qualifications of the position when such accommodations do not impose an undue hardship on the Town.

B. Affirmative Action

To further the principle of equal employment opportunity for all, the Town has implemented an affirmative action program for minorities and women, individuals with disabilities and Vietnam era and special disabled veterans.

Section 1-1-2 Consequences of Prohibited Conduct

Violations of this policy may be cause for the full range of disciplinary action, up to and including termination.

Section 1-1-3 Equal Employment Opportunity Program

The Equal Opportunity Officer shall undertake the following actions to ensure equal employment opportunities in the Town:

A. Periodically review all position qualifications and descriptions to ensure requirements are relevant to the tasks to be performed and make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.

B. Ensure that pay and benefits depend upon position responsibility and, along with overtime work, are administered on a non-discriminatory basis.

C. Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion and termination, including

those of minorities and women, are considered without discrimination and all applicants be given equal opportunity regardless of race, color, national origin, sex, age, disability or status as a Vietnam era or special disabled veteran in accordance with applicable federal law.

D. Create a pool of qualified candidates to encourage diversity and ensure equal employment opportunity in hiring. The following recruitment practices will be followed under the Equal Employment Opportunity officer's direction:

   1. Positions selected for an external competitive recruitment process will be open for a minimum of five working days.
   2. Positions selected for an external competitive recruitment process shall be advertised to the broadest audience available and appropriate for the position.

E. Provide orientation for new employees that specifically emphasizes how the Town assures equal opportunity and encourages all employees to avail themselves of equal employment services.

F. Distribute the Equal Employment Opportunity Policy to employees, contractors and suppliers.

G. Include an equal employment opportunity phrase on applications and job announcements.

Section 1-1-4 Program Responsibility

The Human Resources Director shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program.

A. The Equal Employment Opportunity Officer shall be the focal point for the Town's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy and be responsible for the successful execution of the program, utilizing the assistance of appropriate state and community agencies.

B. The Equal Employment Opportunity Officer will have the responsibility to examine existing internal policies or procedures that may serve as barriers to implementing the Equal Employment Opportunity Program.

Section 1-1-5 Anti-Harassment Policy

The Town of Marana strictly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, status as a Vietnam era or special disabled veteran or status in any group protected by federal, state or local law. Improper interference with the ability of the Town's employees to perform their expected job duties

will not be tolerated. Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

With respect to sexual harassment, the Town prohibits the following:

A. Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or other offensive nature, especially where:

   1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
   2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
   3. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment.

B. Offensive comments, jokes, innuendoes, and other sexually oriented statements. Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

   1. Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair or brushing against another's body;
   2. Sexually suggestive touching;
   3. Grabbing, groping, kissing, fondling;
   4. Violating someone's "personal space";
   5. Lewd, off-color, sexually oriented comments or jokes;
   6. Foul or obscene language;
   7. Leering, staring or stalking;
   8. Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons;
   9. Sexually oriented or explicit remarks;
   10. Questions about one's sex life or experience;
   11. Repeated requests for dates.

Section 1-1-6 Plan for Harassment Prevention and Elimination

A. Education

   The Human Resources Director shall be responsible for formally notifying all employees, Department Heads, elected or appointed officials, volunteers, and

contractors/vendors of the existence of this policy. The Human Resource Director shall periodically conduct training on the topic of offensive behavior/harassment, and attendance will be mandatory for all employees and will be offered to elected or appointed officials and others.

B. Implementation

The Town Manager and the Department Heads are responsible for creating a productive work environment in which offensive conduct or harassment is completely out of place; taking immediate and appropriate corrective action in response to any confirmed violation of this policy; and assuring that no reprisals are taken against those who complain or against corroborating witnesses.

C. Enforcement

The Town is committed to thoroughly investigate each complaint and take immediate and appropriate corrective action on all confirmed violations of this policy. The Human Resources Director is responsible for auditing the operation of this policy, providing Town Manager, Town Manager's Delegatee, or the appropriate Department Head is responsible for thoroughly investigating and resolving any complaints.

Section 1-1-7 Reporting Possible Harassment

A. If an employee experiences any job-related harassment based on sex, race, national origin, disability or other protected factor, or believes that he or she has been treated in an unlawful, discriminatory manner, the incident should be reported promptly to a Department Head, the Human Resources Director or the Town Manager, who will investigate as necessary to determine the cause of the complaint and work with the employee to affect an equitable solution. Every effort shall be made to resolve the difficulty at the lowest level practicable. The complaint will be kept confidential to the maximum extent practicable.

B. All other employees, including supervisors, managers or directors, who become aware of possible harassment of an employee, either as a result of having received a complaint directly from the employee from any other reliable source of information, or from his or her personal observations, should report the situation to a Department Head, the Human Resources Director or the Town Manager.

Section 1-1-8 Investigation

A. The goal will be to investigate any such complaint promptly and thoroughly.

B. If the Town determines than an employee has harassed another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

Section 1-1-9 No Reprisals

A. No reprisals of any kind by any employee or manager shall be taken against an employee because that employee has asserted a complaint or against any witness because that individual has reported or has assisted in any way in the investigation of a harassment complaint.

B. If, after investigating any complaint of harassment, the Town determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including termination.

Section 1-1-10 Option to Report to Outside Agency(ies)

At the option of the employee, the services of the State of Arizona Department of Law Civil Rights Division or the federal Equal Employment Opportunity Commission may be requested at any time.

Section 1-1-11 Employee Development

The following actions shall be undertaken to achieve employee job satisfaction and fair treatment:

A. Assure that there shall be no discrimination with regard to training and educational opportunities, upgrading, promotions, transfer and demotion, layoffs and termination of employees. Any actions that might adversely affect employees in accordance with state and federal law will be brought to the attention of the Equal Opportunity Officer.

B. Actively encourage employees to increase their skills and job potential through training and educational opportunities. Offer guidance and counseling in developing programs tailored to individual aptitudes and desires, taking full advantage of programs offered by state and federal agencies and other appropriate programs.

Section 1-1-12 Coordination with State and Federal Laws

The Town recognizes its responsibilities to comply with and ensure that equal opportunity and non-discrimination policies of state or federal agencies with which it conducts business are carried out in compliance with Executive Order No. 11246.

Section 1-1-13 Definitions

A. Equal Employment Opportunity Policy: The commitment to ensure equal employment opportunity for all employees and appointed officials to the full extent of state and federal law.

B. Equal Employment Opportunity Program: The written, results-oriented program specifically set forth in this policy detailing the steps to be taken to ensure equal employment opportunity.

C. Equal Employment Opportunity Officer: That person designated by the Town Manager who is responsible for meeting the obligations and requirements of the Equal Employment Opportunity Policy and Program.

POLICY 1-2 CODE OF CONDUCT

As employees of the Town of Marana, we must manage our personal and business affairs so as to avoid situations that might lead to conflict, or the appearance of conflict, between self-interest and our duty to the Town, to the persons served by the Town and to the general public.

Common sense and good judgment will dictate the proper course of action in most situations. However, if there is a question of even a slight conflict with our Code of Conduct, others will tend to exaggerate it. The best policy is to resolve such questions by addressing them at the outset so they will not become embarrassing problems later. Such matters can easily be addressed by discussing them with the Department Head or Human Resources Director. Handling these matters in this manner should avoid any occasion for disciplinary action. However, any violation of this Code of Conduct may result in disciplinary action. Depending upon the severity of the violation, such disciplinary action could include any one or a combination of the following: oral warning, written reprimand, probation, suspension or discharge. Situations may arise that have not been directly addressed in this Code of Conduct. The final resolution of such situations rests with the Town Manager.

Section 1-2-1 Performance Of Duties

A. Employees should perform official duties diligently, conscientiously and to the best of their ability, remembering that they are public servants.

B. Employees should always perform their duties with courtesy and respect for the public and for co-workers and without bias or prejudice, manifested by words or conduct, based upon age, race, religion, national origin, gender, sexual orientation, veteran status, disability or political affiliation.

C. With support from the Town, employees should seek to maintain and improve their personal and professional growth and development and that of their co-workers

through cooperation and participation in training and educational programs relevant to their duties and through any licensing or certification required for their position.

D. Employees should perform their duties impartially in a manner consistent with law and the public interest, unswayed by kinship, position, partisan interests, public pressure or fear of criticism or reprisal.

E. Employees should bring to the attention of their supervisor any information that, by its nature or inference, could disclose or cause to be addressed any condition or situation that is detrimental to the image of the Town of Marana or that they regard as a threat of liability, a threat to safety or a breach of law. The Town will not retaliate against any employee who makes such a disclosure in good faith. Resolution shall be pursued in accordance with the provisions of applicable local, state and federal law.

Section 1-2-2 Abuse of Position

A. No employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions.

B. No employee or a member of the employee's immediate family should accept, solicit, or agree to accept any gift, favor or anything of value with the understanding that the official actions, decisions or judgments of any employee will be influenced.

C. No employee should request or accept any fee or compensation beyond that received by the employee in his or her official capacity for advice or assistance given in the course of his or her public employment.

D. Each employee should use the public resources, property and funds under the employee's control responsibly and for the public purpose intended by law and not for any private purpose.

Section 1-2-3 Conflict of Interest

Every employee has an obligation to diligently identify, disclose, avoid and/or manage conflicts of interest. Potential conflict of interest exists when an employee or an employee's immediate family may be directly or indirectly financially impacted, whether favorably or detrimentally, by a decision made by the Town of Marana in which the employee participates. Even if no abuse of position actually occurs, a conflict of interest or its appearance can seriously undermine the public's confidence and trust in the Town's governmental system.

A. Outside Contracts. Employees and their immediate family members should not enter into any contract with any component of the Town government for financial gain apart from an employment appointment without full disclosure and satisfactory management

of any potential conflict of interest in accordance with policies established by the Town of Marana.

B. Nepotism. Employees should not be involved in the decision to hire or in the supervision of any member of their immediate family.

1. Immediate family or employees who reside in the same household will be allowed to work in the same department, and neither will be required to transfer or terminate employment, as long as neither is in a position that requires supervising the other.
2. If a supervisory responsibility is involved, then the affected employees will determine which of them will transfer or resign in order to ensure compliance with this policy. The Town will assist in exploring transfer opportunities to like or similar positions for either employee.
3. If no transfer opportunity exists after 90 days, one of the employees will be required to resign employment with the Town.
4. For purposes of this policy, immediate family and relative is defined as husband, wife, daughter (in-law), son (in-law), mother (in-law), father (in-law), brother (in-law), sister (in-law), parents (in-law), step children, step parents (in-law), grandparent or grandchild of an employee or other legal dependent of an employee or the employee's relatives.

C. Business with Private Party or Vendor. Employees should not participate in decisions regarding conduct of Town business with any private party or vendor by whom the employee or an immediate family member is employed or is actively seeking employment.

D. Acceptance of Gifts, Gratuities, Hospitality. Employees should not accept gifts, loans, gratuities, discounts, favors, hospitality, services or other compensation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of duties. Examples of acceptable courtesies include a meal or social event; floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; or a sample or promotional gift of nominal value ($25 or less).

Section 1-2-4 Outside Employment

A. While the Town of Marana does not oppose employees engaging in outside employment, each full-time employee should consider his or her position with the Town of Marana to be his/her primary place of employment. The outside employment of part-time employees may also reflect on the Town. Therefore, the Town of Marana will oppose outside employment when it interferes with any employee's duties with the Town of Marana, involves a potential conflict of interest, or compromises the integrity or

credibility of the Town. Consequently, in addition to conflict of interest situations addressed above, employees should avoid:

1. Outside employment with an entity that conducts business with the Town or requires the employee to have frequent contact with entities that regularly do business with the Town without full disclosure and satisfactory management of any potential conflict of interest.
2. Outside employment that cannot be accomplished outside of the employee's normal working hours or is otherwise incompatible with the performance of the employee's duties by placing the employee in a position of conflict between the employee's role at the Town of Marana and the employee's role in the outside employment.
3. Performance of work for any governmental entity within the State of Arizona without the written consent of both employers.
4. Outside employment that exploits official position or confidential information acquired in the performance of official duties for personal gain.
5. Outside employment that the public may view as work on behalf of the Town of Marana.

B. An exception to restrictions on outside employment pertain to the police. Outside employment of police must conform to Police Department Policies and Procedures.

C. Due to the importance of the public's perception of the governmental system, the Town of Marana requires that all employees who engage in outside employment disclose such work to the Department Head, who will notify the Human Resources Director if appropriate. Outside employment is subject to review for conformance to this Code of Conduct. Employees engaged in outside employment determined not to be in conformance may be required to cease such employment.

Section 1-2-5 Volunteer Activities

Employees are encouraged to engage in volunteer activities. However, employees should evaluate their volunteer activities in the same manner as outside employment to identify any potential conflict with the employee's position with the Town of Marana. Employees should discuss these potential conflicts with their Department Head.

A. An employee should declare volunteer activities only if the employee believes there is some reason for concern consistent with the spirit of this Code of Conduct.

B. All reported volunteer activities will be reviewed for appropriateness under the guidelines in this policy by the Department Head and the Human Resources Director.

C. Should an employee disagree with the decision of the Department Head and Human Resources Director, he/she may request an additional review by the Town Manager, whose decision is final.

Section 1-2-6 Confidentiality

Employees of the Town of Marana should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential court-related, law enforcement-related or employee-related documents, while others handle sensitive matters concerning the operation of the government. Employees should maintain the confidentiality of these matters, ensuring information about these activities is made public only upon appropriate authorization by the Department Head, Human Resources Director or Town Manager.

Section 1-2-7 Political Activity

The Town seeks to maintain neutrality concerning political matters to the extent humanly possible. Employees of the Town of Marana have a right to entertain and express personal opinions about political candidates and issues, but when performing their duties on behalf of the Town during working hours, employees of the Town of Marana should endeavor to maintain neutrality in action and appearance, except where an employee's position entails political advocacy on the part of the Town.

A. Political Campaigns

Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches, and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours should not use his or her position or title within the Town in connection with such political activities.

B. Candidate for Office

1. An employee who declares an intention to run for partisan elective office must take an unpaid leave of absence upon the filing of nomination papers, unless more than 50% of the employee's salary is paid by federal funds, in which case the employee must resign. If elected, he or she must resign.
2. An employee may be a candidate for an unpaid non-partisan elective office or may be appointed to an unpaid non-partisan office in another jurisdiction, without

separating from employment, provided that the employee otherwise complies with this Code of Conduct.

C. Political Activism

Employees should not engage in political activity during scheduled work hours, or when using government vehicles or equipment, or on Town property except in the performance of their duties on behalf of the Town. Political activity includes, but is not limited to:

1. Displaying literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency, candidate for political office or political issues sought to be placed on the ballot.
2. Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in Town employment to become a member of any political organization or to take part in any political activity.
3. Soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot.
4. Soliciting or receiving funds for political purposes.

D. Political Discrimination

Employees should not discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

Section 1-2-8 Use of Public Property

A. No employee of the Town shall request, use or permit the use of Town-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such Town property is to be restricted to such services as are available to the Town generally and for the conduct of official Town business.

B. Authorized personal uses include taking a Town vehicle to lunch when going to and from meetings on workdays as needed, use of a Town copy machine at cost, stopping to run personal errands when in a Town vehicle when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the Town Manager on a case-by-case basis.

Section 1-2-9 Investigation by Outside Agency

Complaints or allegations that may be criminal in nature may be referred to an appropriate outside agency for investigation.

Section 1-2-10 Restriction on Children and Non-Employees in the Workplace

A. So long as a professional ambiance is maintained and the productivity and safety of the employee, nearby co-workers, the visitor or the public is not compromised, a child or non-employee of the Town is permitted to accompany or visit an employee in the workplace only in the following circumstances:

   1. Friend or family member visits totaling fifteen minutes or less per pay period.
   2. An unexpected emergency when a minor child or legal ward of an employee has no other available reasonably safe alternative than to stay with the employee, provided that the child shall in any event remain in the workplace for not more than four hours.
   3. Occasional Town-sanctioned activities, such as bring your child to work day.

B. An employee shall not permit children and non-employees to use Town computers and other equipment.

TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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CHAPTER 2

EMPLOYMENT PROCESS

POLICY 2-1 RECRUITMENT

Vacancies for regular and temporary, full- and part-time classified and unclassified positions may be filled by an external competitive recruitment process, an internal competitive recruitment process or a non-competitive process. The Human Resources Department and the hiring department will work together to develop recruitment and selection strategies for each vacant position. The Human Resources Department is responsible for ensuring compliance with all applicable laws and policies regarding recruitment and shall conduct all recruitment processes. The hiring department is responsible for the selection of candidates.

Section 2-1-1 Conditions of Employment

The appointment, promotion and tenure of every Town employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant shall be discriminated against on the basis of race, color, national origin, religion, sex, disability, marital or familial status, veteran status or political affiliation.

Section 2-1-2 External Competitive Recruitment Process

A. Positions selected for an external competitive recruitment process may be publicized to the general public by advertisement in a newspaper of appropriate circulation, by posting announcements in Town facilities, through electronic means such as the Town's website, or by other methods as determined by the Human Resources Director or designee, with the goal of reaching the broadest audience available.

B. Positions will be open and applications accepted for a minimum of five working days.

C. Any Town employee may apply for positions posted as external recruitments.

Section 2-1-3 Internal Competitive Recruitment Process

A. Positions selected for an internal competitive recruitment process may be publicized to Town employees by posting announcements in Town facilities, through electronic means such as the Town's website or Town e-mail, or by other methods as determined by the Human Resources Director or designee.

B. Positions will be open and applications accepted for a minimum of five working days.

C. Regular employees who have completed an initial evaluation period in any position with the Town may apply for positions posted as internal recruitments. Regular employees who are serving in a second or subsequent initial evaluation period in a new position may also apply for positions posted as internal recruitments.

D. Term-limited temporary employees who meet all of the following criteria may apply for positions posted as internal recruitments.

   1. The temporary employee must be employed directly with the Town and not through a temporary agency or under a contract;

   2. The employee must have worked a minimum of 1040 hours in the temporary position; and

   3. The employee must have completed a written application for the temporary position and that application must be on file in their official personnel file in the Human Resources Department.

E. Short-term temporary employees are not eligible to apply for positions posted as internal recruitments.

Section 2-1-4 Non-Competitive Process

A. The Town of Marana actively seeks a qualified, diverse workforce through competitive recruitment processes. The Town recognizes, however, that there may be situations in which a compelling justification exists to make a non-competitive selection.

B. Non-competitive selections shall only be made with the approval of the Town Manager.

C. All candidates selected through a non-competitive process must meet the minimum qualifications of the position in question.

D. In all cases, the Human Resources Department and the hiring department shall document the circumstances of the non-competitive hire with a memorandum to the personnel file of the employee hired through the non-competitive process.

E. The following circumstances may justify an appointment without a competitive recruitment process:

   1. In an emergency situation in which failure to fill a vacancy would compromise the operations of the Town, the Town may temporarily hire someone to fill the position while it conducts a competitive search.

   2. On rare occasions, the Town Manager may identify an individual whose expertise and skills are aligned with pressing Town needs or strategic priorities. When time and resources limit the Town's ability to competitively recruit such an individual, the hiring department and/or the Human Resources Department may recommend to the Town Manager that the individual be hired on a non-competitive basis.

   3. Regular employees who resign from Town service may be considered for re-employment without a competitive recruitment process in accordance with Policy 8-4 of these Personnel Policies and Procedures.

4. In recognition of an employee's talents, contributions, and performance, the Town may appoint a current regular employee who has completed an initial evaluation period in any position with the Town or a term-limited temporary employee who has worked a minimum of 1040 hours to a regular or temporary position within the Town without conducting a competitive search.

POLICY 2-2 EMPLOYMENT APPLICATION

Section 2-2-1 Employment Application

A. Applications shall be accepted for positions that are open.

B. An applicant may apply for more than one position, provided that each position is open for applications.

C. Application forms normally require information regarding training, work experience, other pertinent personal and employment information and employment references. Each applicant, including senior management, must submit a completed application.

D. Each application must be signed by the person submitting the application and filed with the Human Resources Department. Applications submitted electronically via the Town's website may be signed electronically. All applications, together with accompanying materials, become the property of the Town.

E. The employment process may require that applicants submit to a physical examination in compliance with the Americans with Disabilities Act and/or to fingerprint background investigations as defined in the Fingerprinting Policy.

Section 2-2-2 Rejection of Application

The Town may reject any application that indicates that the applicant does not possess the minimum qualifications required for the position, has made any misstatement of any material fact or has practiced any deception or fraud in his/her application.

POLICY 2-3 EXAMINATION

Selection techniques used by the Town are impartial, practical and job-related and are designed to determine the candidate's knowledge, skills and abilities for the position. The examinations used may include but are not limited to oral, written, performance, in-basket exercise or assessment center, physical/mental fitness and training/experience evaluations. In addition, evaluation of past work performance, work samples, personal interviews, and background investigations may be used in the selection process.

Section 2-3-1 Physical and Mental Fitness

A. All applicants for Town employment shall be of sufficient mental and physical fitness to be able to perform the essential functions of the positions for which they have applied. The physical and mental fitness of individuals entering Town employment may be evaluated by physicians or employee assistance professionals approved by the Town. Current employees may be subject to medical examinations or inquiries when they are job-related and consistent with business necessity.

B. Reasonable accommodation for a qualified individual with a disability shall be provided unless provision of such an accommodation would impose an undue hardship upon the Town. The physical and mental qualifications of entering or current employees with disabilities may be evaluated by physicians approved by the Town.

C. Sworn police employees who belong to the Arizona Public Safety Retirement Plan must continue to meet the physical, mental, psychological and emotional requirements for their job classifications as defined by Police Department policy.

Section 2-3-2 Pre-Employment Drug Test

Applicants selected for employment in safety sensitive positions will normally submit to a pre-employment drug test for illegal drugs. Any potential hire who tests positive for illegal drug use will be ineligible for employment with the Town.

Section 2-3-3 Test Development

The examination contents are developed by the hiring department with assistance provided by the Human Resources Department. Examination contents are confidential, and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

Section 2-3-4 Test Administration

The testing process will be administered by the Human Resources Department unless otherwise designated to the hiring department.

Section 2-3-5 Reasonable Accommodation

The Human Resources Department shall ensure that reasonable accommodations are made in test procedures so that persons with disabilities can be tested in an appropriate manner.

POLICY 2-4 PREFERENCES

The Town shall follow state law with regard to hiring preferences for disabled individuals, veterans and spouses of veterans. Proof of eligibility for any preference must be presented to the Human Resources Department at the time of application or examination.

POLICY 2-5 INTERVIEWING

Interviews may be conducted to gather information specific to the candidate's ability to meet job requirements. Interviewers will prepare an appropriate process that relates to the applicant's ability to meet educational, technical and other requirements of the position to be filled. The focus of the interview will normally be on the applicant's work and pertinent non-work experience.

Section 2-5-1 Interview Process

A. The Human Resources Department shall coordinate the interview process unless otherwise designated to the hiring department.

B. An interview panel will be selected and confirmed by the Human Resources Department with input by the hiring department. The panel shall generally consist of personnel who have expertise with the technical elements of the position and a personnel expert. Relatives or personal friends of the applicants will be excluded from serving on the panel. Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.

C. The hiring department and the Human Resources Department shall be responsible for the development of interview questions and standards for measurement of candidate responses.

   1. Consistency will be maintained in the questions asked of all candidates.
   2. The questions must be job related.
   3. Questions that pertain to race, religion, sex, marital status or other protected classes or other inquiries that directly or indirectly disclose such information are prohibited.
   4. Inquiries about an applicant's ability to read, write or speak foreign languages are permitted when such inquiries are based on job requirements.
   5. The Human Resources Department may provide the interview panel with copies of the applications of final candidates prior to the interview, along with proposed interview questions and a schedule of interviews. Human Resources Department staff will meet with panel members prior to the interview for an orientation on appropriate interview and assessment techniques needed to evaluate each candidate objectively on an as-needed basis.

6. Each panel member will score the candidates independently.
7. Following the interview, the interview panel shall reach consensus and report the interview results and recommendations to the Human Resources Department.

POLICY 2-6 REFERENCE CHECK AND BACKGROUND INVESTIGATION

It is the policy of the Town to carefully investigate the backgrounds of all prospective applicants selected for employment to ensure that the relevant facts about an applicant's employment history and personal background have not been misstated, either on the employment application or resume or during the job interview, and to determine the applicant's fitness for the position.

Section 2-6-1 Procedure

A. After an applicant has been selected for employment, the Human Resources staff will conduct employment verification and reference checks on the applicant. Parts of the reference check may be delegated to the hiring department.

B. Human Resources Department staff shall also conduct a thorough and comprehensive background investigation of applicants selected for employment which may include, but is not limited to, any of the following:

1. State or county criminal records search
2. Multi-state/national criminal database search
3. Federal criminal records search
4. Education verification
5. Employment verification
6. Motor Vehicle Department record search
7. Professional license and credential verification
8. Sex offender registry search
9. Social Security verification
10. Address trace
11. Character and/or personal reference checks

C. The Police Department will also conduct an employment verification, reference check and background investigation as part of its process of qualifying Police Department candidates before selection.

D. Applicants are required to sign all necessary releases for employment verification, reference checks and background investigations.

   1. Background investigations of Parks and Recreation Department employees covered under Marana Town Code Chapter 13-2 shall comply with the requirements set forth in that chapter.

E. Some applicants may also be required to submit fingerprints as set forth in Policy 2-8.

POLICY 2-7 SELECTION

The hiring department is responsible for the selection of candidates. The Human Resources Department is responsible for contacting the successful candidate and extending an offer.

POLICY 2-8 FINGERPRINTING

Section 2-8-1 Affected Positions

Candidates for employment in the following positions may be required, as a condition of hire, to furnish a full set of fingerprints on a standard fingerprint card to the town.

A. Positions in which the employees' job duties include unsupervised contact with minor children.

B. Parks and recreation department positions in which the employees work directly with children under the age of 18 or vulnerable adults. For purposes of this policy, "vulnerable adult" shall be defined as set forth in the Marana Town Code.

C. All police department positions.

D. Positions in the Marana Municipal Court, in accordance with any applicable Arizona Supreme Court administrative orders or directives.

Section 2-8-2 Procedures

A. All fingerprints furnished pursuant to this policy shall be submitted to the Arizona Department of Public Safety. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation pursuant to A.R.S. § 41-1750 and Public Law 92-544 for the purpose of obtaining state and federal criminal history record information.

B. The results of the criminal history record information checks shall be provided to and maintained by the Human Resources Department.

C. Criminal history record information obtained by the Town pursuant to this policy shall be used only for the purpose of evaluating the fitness of prospective employees. The

Town shall comply with all relevant state and federal rules and regulations regarding the dissemination of criminal history record information.

Section 2-8-3 Failure to Comply

A. Any prospective employee who is subject to this policy and who fails to be fingerprinted when required by the Town shall have his or her offer of employment with the Town rescinded.

B. Any current employee who is subject to this policy who fails to be fingerprinted when required by the Town shall be subject to immediate termination. Termination of an employee under this section supersedes the progressive discipline policies set forth in Policy 5-5.

POLICY 2-9 EMPLOYEE ORIENTATION

All new regular full-time and regular part-time employees will be scheduled for general orientation. Each employee will be provided with information on employee benefits and Town policies. Human Resources will distribute and explain the benefits enrollment forms and their completion deadlines.

Section 2-9-1 Citizenship

All newly hired employees must present evidence of United States citizenship or registration as a legal alien at the time of orientation in accordance with the Immigration Reform and Control Act of 1986 and the Legal Arizona Workers Act. All law enforcement applicants must be United States citizens.

Section 2-9-2 Loyalty Oath

All Town employees shall take the oath or affirmation as prescribed by state law at the time of orientation.

Section 2-9-3 Hiring Department Responsibilities

The hiring department provides additional information, including:

A. Work standards and regulations;

B. Hours of work, time sheets/payroll records, leave requests;

C. Description and duties of the position;

D. Safety rules and procedures, location of safety or protective equipment;

E. Tour of the work area, including location of equipment, supplies, etc. and the procedures for use of the work area materials;

F. Introduction to co-workers;

G. Schedule for lunch and breaks;

H. When and to whom to report absence from work;

I. Who is responsible for performance planning and review.

Section 2-9-4 Date of Hire/Length of Service Anniversary

Date of hire shall mean the effective starting date of the individual's employment with the Town to determine length of service.

POLICY 2-10 EMPLOYEE IDENTIFICATION CARDS

It is the policy of the Town of Marana to issue electronic access identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other Town officials who may require Town identification or facility access while working or representing the Town. The Technology Services Department is responsible for the issuance of electronic access identification cards. The Police Department may issue its own department identification card in lieu of or in addition to the Town identification card.

Section 2-10-1 Issuance, Use and Return of Card

A. The card shall be carried at all times when an employee is acting in an official capacity. The card shall be used as identification if requested by a member of the public or another Town employee.

B. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action.

C. It is the employee's responsibility to ensure accurate and timely updates of information contained on the employee identification card.

D. Each employee is responsible for possession of the identification card and to take care to protect it from loss, theft or misuse. Employees shall report all lost, stolen, damaged or destroyed electronic access identification cards to their Department Head and to the Technology Services Department so that it can be replaced.

E. All cards remain the property of the Town and shall be returned to the employee's Department Head or to the Human Resources Department upon termination of employment or upon special request by the employee's Department Head or the Human Resources Department.

TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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CHAPTER 3

CLASSIFICATION AND COMPENSATION

POLICY 3-1 POSITION STATUS

All positions in the Town of Marana are categorized as classified, unclassified, or temporary positions.

Section 3-1-1 Definitions

The following definitions shall apply whenever these terms are used throughout these Personnel Policies and Procedures.

A. At-will: Employment that may be terminated upon the will of the employer or employee at any time with or without cause.

B. Full-time: A position for which the normal work schedule is at least 40 hours per week.

C. Part-time: A position for which the normal work schedule is less than 40 hours per week.

D. Probationary employee: A classified employee serving in an initial evaluation period.

E. Regular employee: A classified or unclassified employee hired for an indefinite period in a budgeted position

Section 3-1-2 Classified Positions

A. All positions not specifically identified in the salary schedule implemented by the Town Manager as unclassified or temporary positions are classified positions.

B. Notwithstanding paragraph A above, an employee may be hired in a classified position, but on a temporary basis. When this occurs, the employee will be considered to be in a temporary position, and will be subject to the policies, rules, and regulations governing temporary positions.

Section 3-1-3 Unclassified Positions

All town officers, as defined in the Town Code, are in unclassified positions. Any other unclassified positions shall be identified as such in the salary schedule implemented by the Town Manager. Employees in unclassified positions are at-will employees.

Section 3-1-4 Temporary Positions

This category of employment is comprised of term-limited temporary positions and short-term temporary positions, as defined below. Employees in temporary positions are at-will employees.

A. Term-limited temporary positions are positions with work related to a specific grant, project, or other non-routine significant or substantial body of work, for a term of six to 36 months.

B. Short-term temporary positions are positions used to augment the workforce due to seasonal and other specific temporary workload needs that require additional staffing. Employees in short-term temporary positions shall work for a time period that does not exceed six months or 1040 hours in a rolling 12-month period.

POLICY 3-2 CLASSIFICATION PLAN

The Town Manager shall ensure the preparation, development and maintenance of a classification plan consisting of descriptions of positions defined by essential duties, qualifications, knowledge, skills and abilities characteristic of the positions.

Section 3-2-1 Purpose

The classification plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority and character of work are similarly classified, and positions substantially different in scope and complexity are appropriately classified.

Section 3-2-2 Plan Amendment

All amendments to the classification plan, including classification title changes, abolitions of obsolete classifications, and the creation of new classifications, require the approval of the Town Manager.

Section 3-2-3 Position Classification

A. Position classifications shall be maintained by the Human Resources Department for all positions.

B. Position classifications are descriptive only and are not restrictive in nature. The omission of specific duties from a position classification does not exclude those duties from the position if the work is related or a logical assignment to the position. Supervisors may assign different tasks to a position within a classification when the duties are similar in type and responsibility to those described in the classification description.

C. The classification description does not constitute an employment agreement between the Town and employee and is subject to change as the needs of the Town and the requirements of the job change.

D. When the duties or responsibilities of a position have changed significantly, the Town Manager will ensure that the position is reclassified accordingly.

Section 3-2-4 Position Classification Review

Whenever a reorganization, change in job content or Town Council action causes the duties of a position to change or creates the need for a new classification, or a position otherwise appears to have been incorrectly classified, the Town Manager may reclassify the position to a more appropriate classification.

A. The Town Manager, in consultation with the Human Resources Director, shall establish the process for review of a specific position classification and for review of the classification plan as a whole.

B. If there has been a significant change or a gradual accretion of duties and responsibilities over the period of one year, a Department Head or the chain of authority above the level of Department Head may submit a written request to the Human Resources Department to determine if a review of the position is warranted. Such review shall require the completion of a position description questionnaire.

C. When there is any substantial change, addition, or deletion to the duties assigned to a position, the Department Head or the chain of authority above the level of Department Head, where applicable, will provide a completed position description questionnaire to the Human Resources Department.

D. Implementation of a reclassification and any related pay change shall be prospective and is effective when the employee assumes the new position or responsibilities, as applicable.

Section 3-2-5 No Right of Appeal

The establishment of a classification plan and position classifications, allocation of classifications to a specific salary grade, position classification review decisions, and changes or adjustments to the classification plan, are not subject to appeal under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures.

POLICY 3-3 COMPENSATION PLAN

The Town of Marana is committed to providing a fair, balanced, and highly competitive compensation package for its employees. In alignment with the Strategic Plan, the Town's goal is to recruit and retain high-performing employees who develop innovative approaches to serving citizens and community partners. The total compensation system will be one that is simple and easy to understand, and can be clearly communicated to employees.

Section 3-3-1 Total Compensation Philosophy

The Town is a steward of community resources. As such, total compensation should take into consideration the Town's ability to pay. The Town will focus on:

A. Monitoring and maintaining the compensation system to provide the flexibility needed to respond to changing conditions in the organization.

B. Clearly communicating the benefits of our employees' total compensation. Total compensation is defined as:

   1. Base pay, which is comprised of wages and salaries

   2. Benefits, including but not limited to, health/life insurance, pension plans/retirement plans, Workers' Compensation, and paid leave

   3. Incentives, performance-based pay, and other supplemental pay and allowances

C. Offering base pay that is competitive within our defined market and balances the external market with internal equity.

D. Providing employee benefits in areas such as health insurance, retirement, and paid leave that offer flexible options for meeting our employees' needs within our fiscal constraints.

E. Recognizing and providing incentives for employee creativity and innovation that benefit the public through improved efficiencies, productivity, and commitment to service excellence.

F. Providing support, such as training opportunities and career development to our employees in their efforts to attain new skills, achieve organizational goals, and enhance their professional growth.

Section 3-3-2 Pay Adjustments Based on Market Movement and Performance

A. The Human Resources Department will conduct an annual survey in the region regarding market adjustments and performance-based pay and may recommend pay adjustments based upon that survey.

   1. If the salary schedule is adjusted due to market movement, employees will receive salary increases equal to the structure adjustment in order to remain at their relative position within the pay range.

   2. If performance-based increases are granted, such increases will be the basis upon which employees move through the pay grade.

B. Any adjustments to the salary schedule or employee pay are subject to budget capacity and authority.

Section 3-3-3 Compensation Funding

Within available resources, the Town will consider funding individual components of the compensation plan each year during its annual budget process, working to establish a highly competitive total compensation package for employees.

Section 3-3-4 No Right of Appeal

The establishment of a compensation plan, including salary schedules, allocation of classifications to a specific salary grade, assignment of pay to an employee and changes or adjustments to the compensation plan, are not subject to appeal under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures, unless a change in pay is the result of a disciplinary action that is subject to the personnel action review procedures.

POLICY 3-4 PAYROLL PROCEDURES

Regular Town employees are paid biweekly. If a pay date falls on a holiday, the day of pay shall be the last working day preceding the normal pay date. There are 26 pay periods in the calendar year.

Section 3-4-1 Time Sheets and Payroll Records

A. All non-exempt employees shall complete time sheets documenting the number of hours worked, as well as any leave taken, in each pay period. The employee's direct supervisor shall sign the time sheet verifying the employee's hours worked and leave taken. If the employee used any leave time during the pay period, a leave authorization request shall be attached to the time sheet. The employee's department payroll liaison shall submit the time sheet to the Finance Department by the deadline established by Finance for each pay period.

B. All exempt employees shall complete an attendance record which documents leave taken each pay period. The attendance record shall be signed by the employee's direct supervisor verifying any leave taken. Leave authorization requests shall also be signed by the exempt employee's supervisor and retained by the employee until the pay period in which the leave is taken. Leave authorization requests shall be attached to the attendance record and submitted to the Finance Department by the deadline established by Finance for each pay period.

C. Payroll records shall be maintained by the Town in accordance with the Town's records retention schedule.

D. The Finance Department is responsible for answering inquiries concerning payroll matters. The Finance Department and the Human Resources Department will work collaboratively to resolve pay inquiries in an expeditious manner.

E. Falsification of time sheets, attendance records or leave authorization requests is grounds for disciplinary action, up to and including termination

Section 3-4-2 Pay Checks

A. Checks are distributed by the Finance Department to each department by noon on the Friday following the close of the pay period, unless that day is a Town-recognized holiday. If the distribution date falls on a Town-recognized holiday, the Finance Department shall select and coordinate an alternate distribution date.

B. With each pay check, employees receive a statement of earnings, deductions, leave balances and compensatory time balance for the period covered by the payment.

C. In the absence of direct deposit, checks for those who are on leave on the regular pay date will be held by the Finance Department until the employee returns to work.

D. An employee's pay check may be released to the employee's spouse, designated family member or to another person only if authorized in writing and in advance by the employee.

E. Employees are expected to cash their pay checks on their personal time.

Section 3-4-3 Payroll Deductions

A. Mandatory deductions required by law shall be withheld from all employees' paychecks each pay period. These include, but are not limited to, state-mandated retirement contributions, federal income tax, state income tax, Social Security and Medicare (FICA) and any legal wage garnishment.

B. Voluntary deductions require an employee's written authorization. Examples include, but are not limited to, direct deposit, deferred compensation, United Way contributions, dependent health insurance coverage and supplemental health insurance.

Section 3-4-4 Pay Advances

The Town of Marana does not grant requests for pay in advance of the regular pay day.

Section 3-4-5 Payroll Errors

Occasionally, a payroll error will occur regarding an employee's wages. If an employee becomes aware of a payroll error, either an overpayment or an underpayment of wages, the

employee shall provide written notice to the employee's supervisor and to the Finance Director or designee as soon as the employee becomes aware of the error. Likewise, the Finance Director or designee shall provide written notice to an employee of a payroll error as soon as the Finance Department becomes aware of the error. Once an error has been discovered, the Finance Department will initiate a correction as follows:

A. If the employee has been underpaid due to an error made by the Finance Department, the Finance Department will run a special payroll as soon as practical.

B. If the employee has been underpaid due to an error made by the employee or the department payroll liaison, the Finance Department will make the appropriate adjustment in pay at the next regular pay cycle.

C. If the employee has been overpaid due to an error made by the employee, the department payroll liaison or the Finance Department, the employee will be required to reimburse the Town for the overpayment. The Finance Department will make every effort to establish a repayment schedule that meets the Finance Department's responsibility to recoup public funds in a timely manner and incorporates consideration for the employee's ability to repay.

POLICY 3-5 WAGES AND HOURS

Section 3-5-1 Work Week

A. The work week will generally consist of five days within a 40 hour week or as determined otherwise by the Town Manager. The Town Manager may establish alternative or flexible work schedules, but at no time shall those schedules interfere with the normal operations of the Town government.

B. A work week generally begins every Saturday at 12:01 A.M. and ends the following Friday at 12:00 midnight.

C. The Town Manager or the Department Head may stagger, rearrange and adjust the work hours of employees to enable the Town to keep offices open at all times required.

D. A supervisor may require any employee to temporarily perform service in excess of 40 hours in a five day week when necessary to maintain Town operations. When such work is required, the overtime and compensatory time provisions in these Personnel Policies and Procedures, Town administrative directives, and state and federal law shall apply.

Section 3-5-2 Overtime Eligibility

A. As part of the classification plan, the Human Resources Director shall evaluate the body of work for a position classification and determine if employees in that position classification are subject to the provisions of the Fair Labor Standards Act (FLSA).

B. Position classifications shall either be exempt or non-exempt from the provisions of the FLSA, as defined in state and federal law.

C. The Human Resources Director shall employ all evaluation techniques and methods prescribed by the FLSA for determining the overtime status of a position classification. The Human Resources Director is responsible for continually reviewing and updating the FLSA status of position classifications.

Section 3-5-3 Overtime and Compensatory Time

A. It is the Town's policy to avoid the necessity of overtime whenever possible, but overtime work may be necessary to handle emergency situations and to meet seasonal or peak workload requirements of a critical nature.

B. Department Heads are responsible for the planning required to minimize the need for overtime.

C. Overtime and compensatory provisions apply only to non-exempt employees.

D. Nothing in this policy shall be construed to contravene the provisions of the Fair Labor Standards Act (FLSA).

Section 3-5-4 Exempt Employees

A. The overtime provisions of this policy shall not apply to employees whose positions have been determined to be exempt from the provisions of the FLSA. FLSA exempt employees are expected to work the hours necessary to satisfactorily perform their jobs. FLSA exempt employees may be required to work a specified schedule set by their supervisor.

B. The Town prohibits any deductions from FLSA exempt employees' pay that are improper under the FLSA. If an FLSA exempt employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to his or her direct supervisor, the Department Head or to the Human Resources Director. The Town will promptly investigate reports of improper deductions. If the Town determines that an improper deduction has occurred, the Town will promptly reimburse the employee for the improper deduction.

POLICY 3-6 HOLIDAY PAY

It is the policy of the Town to grant paid time off to eligible employees on the Town Council-approved holidays listed in Chapter 4 of these Personnel Policies and Procedures. However, if a non-exempt employee is required to work on a Town-approved holiday, the employee is also eligible for holiday pay.

POLICY 3-7 ADJUSTMENTS TO PAY BASED ON EMPLOYMENT ACTION

Adjustments to employee pay may occur on the basis of employment actions as set forth in this policy.

Section 3-7-1 Promotion, Demotion and Lateral Transfer

A. An employee may move from a position in a lower classification to a position in a higher classification where the pay grade minimum and/or maximum is of greater value. Such movement is considered a promotion. Upon promotion, an employee shall receive commensurate pay.

B. An employee may move from a position in a higher classification to a position in a lower classification where the pay grade minimum and/or maximum is of lesser value. Such movement is considered a demotion. Upon demotion, an employee may have his or her pay reduced.

C. An employee may move from one position in one classification to a position in a different classification, or from one position to another position in the same classification whereby the salary minimum and maximum are equal. Such movement is considered a lateral transfer. The employee's pay will ordinarily not change in this circumstance.

Section 3-7-2 Special Assignments and Special Assignment Pay

A. The Town may, in its sole discretion, assign employees to special assignments. The number, type and duration of any special assignments shall be determined by the Town based on operational needs and is subject to periodic review by the Town.

B. If assigned, special assignments shall not be considered a right or entitlement. An employee in a special assignment has no rights to that assignment or any tasks associated with that assignment no matter the duration of the special assignment.

C. Special assignments may include:

1. Working out-of-classification in a higher level classification
2. Performing additional duties outside of the scope of the employee's regular classification for a period of time, such as assuming some or all of the responsibilities of a vacant position and/or temporarily assuming the title of a vacant position

3. Serving in a lead or supervisory role when the employee's regular position does not require lead or supervisory responsibilities

D. Special assignment pay may be provided to employees serving in a special assignment, depending upon economic conditions and the Town's ability to pay.

Section 3-7-3 Call-Out Pay

When a non-exempt employee is called back to regular duty more than one hour after leaving Town facilities at a time other than the employee's regular assigned shift to perform unscheduled duties which are in excess of the employee's regular hours of work, the employee will receive a minimum of two hours pay each time called out, or the actual time worked, whichever is greater.

Section 3-7-4 On-Call/Stand-By Assignments and Pay

The Town Manager may designate certain non-exempt positions as eligible to receive on-call and/or stand-by pay based on the need for 24 hours per day, 7 days per week coverage and emergency response requirements. Department Heads or those in the chain of authority above the level of Department Head who have such positions in their chain-of-command shall determine the length, duration and rotation of on-call or stand-by assignments.

Section 3-7-5 Shift Differential Pay

The Town Manager may designate certain non-exempt positions as eligible to receive shift differential pay based on budget capacity with consideration given to the shift differential rates paid in other jurisdictions that make up the Town's market for the purposes of surveying pay and benefits.

POLICY 3-8 EMERGENCY CLOSURES

Emergencies such as severe weather, fires, power failures or floods can disrupt Town operations and may require the closing of a work facility. Closing of a work facility is at the sole discretion of the Mayor, Town Council or Town Manager. In the event that an emergency occurs during non-working hours, Department Heads or those in the chain of authority above the level of Department Head will be responsible for notifying the affected employees.

POLICY 3-9 VEHICLE ALLOWANCE/TAKE-HOME VEHICLES

The Town Manager may authorize a monthly vehicle allowance or the use of a Town take-home vehicle for certain employees. The Town Manager shall take into consideration the amount and

type of local travel required of a position when granting a vehicle allowance or providing a Town take-home vehicle.

Section 3-9-1 Unclassified Employees

A. The Town Manager may provide a vehicle allowance or take-home vehicle to unclassified employees to compensate them for required frequent travel to meetings and work assignments throughout the Town and Pima County.

B. The Town Manager may authorize the use of a Town take-home vehicle in lieu of a monthly vehicle allowance for an unclassified employee when using a Town vehicle results in operational efficiencies. In authorizing a Town take-home vehicle, the Town Manager shall take into consideration whether the employee must be routinely available for immediate emergency response, routinely carries and accesses Town equipment in the course of travel or routinely accesses areas that may be restricted to Town vehicles.

Section 3-9-2 Classified Employees

The Town Manager may authorize the use of a Town take-home vehicle for a classified employee when using a Town vehicle results in operational efficiencies. In authorizing a Town take-home vehicle, the Town Manager shall take into consideration whether the employee must be routinely available for immediate emergency response, routinely carries and accesses Town equipment in the course of travel or routinely accesses areas that may be restricted to Town vehicles.

Section 3-9-3 Vehicle Allowance

A. The Town Manager shall establish monthly vehicle allowance rates within Town Council-approved budgetary limits.

B. Employees who receive a monthly vehicle allowance may not use a Town vehicle as a take-home vehicle and may not request mileage reimbursement for local travel within a one-way direction of 25 miles from the employee's regular work location.

Section 3-9-4 Take-Home Vehicles

A Town employee who is authorized the use of a Town take-home vehicle may not receive a vehicle allowance during the same time period.

POLICY 3-10 RELOCATION AND INTERVIEW EXPENSES

Section 3-10-1 Relocation Expenses

A. The Town Manager, in his or her sole discretion, may authorize reimbursement of relocation expenses for a newly hired unclassified employee in an amount of up to $5,000.

B. Reimbursement of relocation expenses shall be a one-time reimbursement, limited to the cost of moving furniture and personal effects from the employee's current home to his or her new home.

C. The reimbursement shall be treated as income to the employee.

D. The relocation and reimbursement of expenses must occur within the 12-month period following the unclassified employee's hire date.

E. Unclassified employees who are offered and accept reimbursement of relocation expenses shall be required to sign an agreement as part of an initial offer of employment letter indicating acceptance of all the terms of the relocation expense reimbursement.

Section 3-10-2 Interview Expenses

In an effort to attract and consider candidates with exceptional qualifications, and to ensure a competitive interview pool, the Town Manager may, in his or her sole discretion, authorize payment of travel expenses to and from an interview process at the Town of Marana for a vacant, unclassified position. Only transportation and lodging expenses shall be considered for reimbursement.

TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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POLICY 4-1 VACATION LEAVE

The Town of Marana provides vacation leave with pay to eligible employees.

Section 4-1-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-1-2 Accrual of Vacation Leave

A. Eligible employees shall begin to accrue vacation leave on their effective date of hire.

B. When an employee is on leave and a portion of the leave is unpaid, the employee shall accrue vacation leave on a prorated basis, based on the number of hours paid by the Town during the pay period. When an employee is on leave and receives no compensation from the Town, the employee shall not accrue vacation leave.

C. Vacation leave accrual is cumulative, up to the maximum number of hours permitted by this policy.

Section 4-1-3 Rate of Accrual

A. Eligible full-time employees shall accrue paid vacation leave at the rate shown in the following schedule:

Vacation Accrual Rate	
Length of Service	Vacation Days Each Year
0 to 5 years	10 days (3.08 hrs per pay period)
> 5 - 10 years	15 days (4.62 hrs per pay period)
> 10 years	20 days (6.15 hrs per pay period))

B. Eligible part-time employees shall accrue vacation leave on a prorated basis each pay period based on the number of hours paid by the Town during the pay period.

C. For purposes of determining length of service, the year noted begins on the day after the preceding anniversary. For example, an employee shall be employed for greater than (>) five years on the day after the employee's fifth anniversary; therefore, the employee shall begin earning at the higher accrual rate for the pay period in which this date falls.

D. Notwithstanding the provisions of this section, as an incentive to recruit key employees, upon hiring an employee in an unclassified position, the Town Manager may negotiate a

vacation accrual rate in excess of the initial vacation accrual rate specified in this section. However, in no event shall the Town Manager negotiate a vacation accrual rate of more than 4.62 hours per pay period.

Section 4-1-4 Maximum Accrued Hours Permitted

A. An employee's accrued vacation leave balance shall not be permitted to exceed 240 hours. Therefore, employees shall not be credited for vacation leave in excess of 240 hours. Employees who are approaching the 240 hour cut-off shall be notified by the Finance Department of their vacation leave balance and given the opportunity to request vacation leave before vacation leave hours are forfeited.

B. In extenuating circumstances, the Town Manager may approve an exception to this provision and grant an employee an additional 90 calendar days to come into compliance with the 240-hour rule without forfeiting any vacation leave. This exception will only be granted once per rolling 12-month period. If the employee fails to come into compliance with the 240-hour rule within the additional 90-day period, the employee will forfeit all accrued vacation leave in excess of 240 hours.

Section 4-1-5 Request for Vacation Leave

A. Eligible employees may request to use vacation leave after 180 days of employment.

B. Employees shall submit vacation leave requests to their supervisor before taking any time off. Requests will be reviewed based on a number of factors, including Town needs and staffing requirements.

Section 4-1-6 Vacation Leave Pay

Vacation leave shall be paid at the employee's base rate of pay, plus any special assignment pay, at the time of the leave. Vacation leave pay shall not include overtime or any adjustments to pay such as shift differential.

Section 4-1-7 Payment of Vacation Leave Upon Termination of Employment

Upon termination of employment, employees shall be paid at their base rate of pay for any unused accrued vacation leave earned through the last day of work.

POLICY 4-2 SICK LEAVE

The Town of Marana provides sick leave with pay as income protection to eligible employees.

Section 4-2-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-2-2 Accrual of Sick Leave

A. Eligible employees begin to accrue sick leave on their effective date of hire.

B. When an employee is on leave and a portion of the leave is unpaid, the employee shall accrue sick leave on a prorated basis, based on the number of hours paid by the Town during the pay period. When an employee is on leave and receives no compensation from the Town, the employee shall not accrue sick leave.

C. Sick leave shall accrue without limit.

Section 4-2-3 Rate of Accrual

A. Eligible full-time employees shall accrue sick leave at the rate of 3.08 hours per pay period.

B. Eligible part-time employees shall accrue sick leave on a prorated basis each pay period based on the number of hours paid by the Town during the pay period.

Section 4-2-4 Permitted Uses

A. Eligible employees may use sick leave after 30 days of employment.

B. Eligible employees shall be permitted to use sick leave for the following reasons:

1. Personal illness, disease or injury and travel time to and from a physician's office
2. Medical conditions that prevent the employee from performing assigned tasks
3. Surgical, medical, dental or optical appointments, including regular, preventative care appointments, that must be made during working hours and travel time to and from such appointments.
4. Illness or injury of immediate family member or surgical, medical, dental or optical appointments, including regular, preventative care appointments, for an immediate family member and related travel time to and from a physician's office. For purposes of this policy, "immediate family member" shall be defined as the spouse, children, parents, grandparents, brothers, sisters or other individuals whose relationship to the employee is that of a dependent. A relative who, because of family circumstances, has been a parent substitute to the employee may be considered the mother or father in this definition.

Section 4-2-5 Notification to Supervisor

A. For unplanned absences, such as when an employee is unable to report to work due to illness or injury, the employee shall notify his or her direct supervisor before the scheduled start of the employee's work day. The employee shall also contact his or her direct supervisor on each additional day of absence unless the employee is on FMLA leave or has notified the supervisor in advance of the number of days the employee will be absent. Upon return to work, the employee shall submit a leave request form to his or her direct supervisor for the time missed. Requests for leave are subject to the approval of the supervisor and the supervisor may require the employee to submit a medical verification statement from a health care provider verifying the need for the sick leave absence.

B. For planned absences pursuant to this policy, such as a planned appointment or medical procedure, an employee shall submit a leave request form to his or her direct supervisor as soon as the employee becomes aware of the need for the planned absence. Requests for leave are subject to the approval of the supervisor and the supervisor may require the employee to submit a medical verification statement from a health care provider verifying the need for the sick leave absence.

Section 4-2-6 Medical Verification

A. If an employee uses sick leave for three or more consecutive days, the employee's supervisor or Department Head may require the employee to submit a medical verification statement from a health care provider verifying the need for the sick leave absence.

B. If an employee exhibits an unusual pattern of sick leave absences, such as recurring absences on the days immediately preceding and/or immediately following the employee's regularly scheduled days off or Town-approved holidays, the employee's supervisor or Department Head may require the employee to submit a medical verification statement from a health care provider verifying the need for the sick leave absence.

C. If the employee fails to provide the required medical verification or if the employee's Department Head determines, in consultation with the Human Resources Director or designee, that the verification provided by the employee is inadequate, the absence may be charged to another category of leave or considered leave without pay.

D. The employee's department shall forward medical verification statements to the Human Resources Department.

Section 4-2-7 Additional Conditions of Eligibility

A. When applicable, an employee requesting to use sick leave must apply for any other available compensation and benefits that the employee may be eligible to receive under disability insurance coverage provided by the Town, such as workers' compensation and short- and long-term disability.

B. Sick leave benefits may be used to supplement any payments that an employee is eligible to receive from workers' compensation or any disability insurance programs paid for by the Town.

C. The employee's pay shall not exceed the employee's normal weekly earnings through any combination of paid leave and other payments received by the employee, such as disability insurance payments, or workers' compensation benefits. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.

Section 4-2-8 No Sick Leave Available

An employee who has exhausted accrued sick leave may request leave without pay.

Section 4-2-9 Transfer of Sick Leave Hours to Vacation Leave

A. If an eligible employee who has successfully completed the initial evaluation period uses less than 16 hours of sick leave during a calendar year, the employee may submit a request to transfer the unused portion of the 16 hours, up to a maximum of 16 hours, to vacation leave.

B. The employee must request the transfer in writing to the Finance Department by the deadline set by the Finance Department. If an employee does not request the transfer, the hours will not automatically be transferred.

C. Hours not transferred shall remain in the employee's sick leave balance each calendar year until they are approved for use in accordance with the sick leave policies in this chapter.

D. If the transfer of sick leave hours to the employee's vacation leave total would cause the employee's accrued vacation leave to exceed the maximum vacation leave hours allowed under this chapter, the employee's request for transfer shall be denied.

Section 4-2-10 Payment of Sick Leave Upon Termination of Employment

A. Employees shall not be compensated for unused accrued sick leave upon termination of employment.

B. If a regular full- or part-time classified employee is laid off and then recalled within a 12 calendar month period following the effective date of the layoff, the employee's previous unused accrued sick leave balance shall be restored at the time of the employee's re-employment.

POLICY 4-3 PERSONAL LEAVE

The Town of Marana provides personal leave with pay to eligible employees.

Section 4-3-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-3-2 Amount of Personal Leave

A. Eligible full-time employees shall receive 16 hours of personal leave each calendar year.

B. When an employee is on leave at the beginning of a calendar year, even if a portion of the leave is unpaid, the employee shall still receive the full allotment of personal leave.

C. Eligible part-time employees shall receive a prorated amount of personal leave each calendar year based on the number of hours per week that they are officially scheduled to work.

D. As an incentive to recruit and retain key employees, the Town Manager may, upon hiring or in connection with an annual performance evaluation, grant additional personal leave, up to an additional 40 hours per calendar year, to employees in the following categories.

   1. Deputy or Assistant Town Managers
   2. General Managers
   3. Department Heads
   4. Deputy or Assistant Department Heads with management responsibilities including supervision of staff

E. If the Town Manager grants additional personal leave to an employee pursuant to paragraph D of this section, the additional leave shall be granted to the employee for subsequent calendar years unless and until the Town Manager, in his or her sole discretion, determines that the employee's performance and/or workload no longer justify the granting of additional personal leave. The Town Manager's decision

regarding personal leave is not subject to review under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures.

Section 4-3-3 Request for Personal Leave

A. Eligible employees may request to use personal leave at any time after employment.

B. Employees shall submit personal leave requests to their supervisor before taking any time off. Requests will be reviewed based on a number of factors, including Town needs and staffing requirements.

Section 4-3-4 No Accrual

Personal leave does not accrue and is forfeited if not used within the calendar year that it is received.

Section 4-3-5 Termination of Employment

Employees shall not be compensated for unused accrued personal leave upon termination of employment.

POLICY 4-4 HOLIDAYS

The Town of Marana provides paid time off to eligible employees for Town Council-approved holidays. Regular Town operations are officially closed during these approved holidays.

Section 4-4-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-4-2 Town-Approved Holidays

A. The Town-approved holidays for each calendar year are as follows.

1. New Year's Day (January 1)
2. Martin Luther King, Jr./Civil Rights Day (third Monday in January)
3. Presidents' Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)

6. Labor Day (first Monday in September)
7. Veterans' Day (November 11)
8. Thanksgiving Day (fourth Thursday in November)
9. Day after Thanksgiving (fourth Friday in November)
10. Christmas Day (December 25)

B. The Town Council, at its sole discretion, may approve additional holidays in any calendar year.

Section 4-4-3 Amount of Paid Time Off for Town-Approved Holidays

A. Eligible full-time employees shall receive paid time off on Town-approved holidays based on the number of hours they are regularly scheduled to work.

B. Eligible part-time employees shall receive a prorated amount of paid time off on Town-approved holidays based on the number of hours per week that they are officially scheduled to work.

Section 4-4-4 Miscellaneous Rules

A. If a Town-approved holiday falls on a day when an eligible employee is on approved paid vacation, personal or sick leave, the employee shall receive paid time off for the Town-approved holiday and deductions will not be taken from the employee's vacation, personal or sick leave balances for that day.

B. If a Town-approved holiday falls on an eligible employee's regularly scheduled day off, the employee shall receive paid time off for that holiday based on the number of hours they are regularly scheduled to work.

Section 4-4-5 Exception

An employee who is in an unpaid status on the day immediately preceding or immediately following a Town-approved holiday, excluding the employee's regularly scheduled day off, shall not receive paid time off for the holiday.

POLICY 4-5 MILITARY LEAVE

The Town of Marana shall grant a military leave of absence to any eligible employee to attend scheduled drills or training or if called to active duty with the United States armed services.

The provisions of this policy are not intended to conflict with or supersede state or federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state or federal law, state or federal law shall control.

Section 4-5-1 Eligibility

Employee eligibility for military leave shall be determined in accordance with the provisions of applicable state and federal law.

Section 4-5-2 Military Leave

A. An eligible employee ordered to military service shall be granted paid military leave of up to 240 hours in any two consecutive years. For the purposes of this policy, "year" means the fiscal year of the United States government. Leave which occurs on an employee's regularly scheduled days off shall not be charged against the 240-hour allotment.

B. For required military service exceeding the 240-hour allotment, an employee shall be granted military leave that may be unpaid or paid via the employee's use of accrued vacation, personal or compensatory leave balances. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

Section 4-5-3 Advance Notice Requirements

A. An employee ordered to military service shall provide his or her Department Head with advance notification of the leave, unless giving advance notice is prevented by military necessity or is otherwise impossible or unreasonable under the circumstances. The notice may either verbal or written. The United States Defense Department strongly recommends that advance notice be provided at least 30 days prior to departure for uniformed service when it is feasible to do so.

B. Additionally, the Town requests that the employee provide his or her Department Head with a copy of the employee's military orders as soon as practicable.

Section 4-5-4 No Break in Service

Time spent in active military service is not considered a break in service for purposes of determining seniority or leave accrual rates.

Section 4-5-5 Return to Work

If an employee fails to report to work within the timeframes established under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) at the conclusion of the military leave, and has not submitted a written request for additional leave, the employee is considered to have resigned.

POLICY 4-6 BEREAVEMENT LEAVE

The Town of Marana provides bereavement leave with pay to eligible employees.

Section 4-6-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-6-2 Amount of Bereavement Leave

A. Eligible employees shall receive up to three days bereavement leave for the death of an immediate family member.

B. If travel outside the state is required, employees may be granted up to two additional days bereavement leave at the discretion of the Department Head.

C. An employee may request to use any available paid leave balances for additional time off as necessary. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

Section 4-6-3 Request for Bereavement Leave

An employee shall submit a bereavement leave request to his or her supervisor as soon as the need for the leave arises or as soon as possible thereafter. Supervisors shall approve requests for bereavement leave in the absence of unusual Town operational requirements.

Section 4-6-4 Definition of Immediate Family

For purposes of this policy, "immediate family member" shall be defined as the employee's spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or step-child and any other person whose association with the employee was similar to any of the above relationships.

POLICY 4-7 FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Acts (NDAA) of 2008 and 2010, the Town of Marana provides job-protected family and medical leaves of absence without pay to eligible employees who are temporarily unable to work due to an FMLA-qualifying reason.

The provisions of this policy are not intended to conflict with or supersede federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal law, federal law shall control.

Section 4-7-1 Qualifying Reasons for FMLA Leave

Eligible employees may qualify for FMLA leave for one or more of the following reasons.

A. A serious health condition that renders the employee unable to perform the functions of the employee's job.

B. The birth and care of a newborn child of the employee.

C. The placement with the employee of a child for adoption or foster care.

D. To care for the employee's spouse, child or parent with a serious health condition.

E. To care for a covered servicemember of the Armed Forces with a serious injury or illness.

F. Any qualifying exigency related to the active duty or call to active duty of a covered military member.

Section 4-7-2 Definitions

A. Covered military member. The employee's spouse, son, daughter or parent on active duty status or call to active duty status as either a member of the regular component of the Armed Forces or a member of the Reserve components of the Armed Forces or a retired member of the regular Armed Forces or Reserve.

B. Covered servicemember. The employee's spouse, son, daughter, parent or next of kin, as defined by federal regulations, who is either of the following:

   1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness or who is otherwise in outpatient status or is otherwise on the temporary disability retired list.

   2. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including the National Guard or Reserves, at any time during the period of five years preceding

the date on which the veteran undergoes that medical treatment, recuperation or therapy.

C. Group health plan. A plan (including a self-insured plan) of, or contributed to by, an employer or employee organization to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families.

D. Health care provider. Health care providers who may provide certification of a serious health condition include:

1. Doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice under state law
3. Nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under state law and performing within the scope of their practice as defined under state law
4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts
5. Any health care provider recognized by the Town or the Town's group health plan's benefits manager
6. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country

E. Key employee. A salaried FMLA-eligible employee who is among the highest paid ten percent of all Town employees, as determined pursuant to the provisions of the FMLA and accompanying regulations.

F. Serious health condition. An illness, injury, impairment, or physical or mental condition that involves any of the following:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility
2. A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider
3. Any period of incapacity due to pregnancy, or for prenatal care

4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.)
5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.)
6. Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

G. Serious injury or illness.

1. An injury or illness incurred by a member of the Armed Forces, including a member of the National Guard or Reserves, in the line of duty on active duty in the Armed Forces or an injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
2. A qualifying injury or illness, as defined by the Secretary of Labor, incurred by a veteran in the line of duty on active duty in the Armed Forces or an injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.

H. Veteran. A person who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.

Section 4-7-3 Eligibility

A. An "eligible employee" under the FMLA is a classified or unclassified employee who has:

1. Worked for the Town for at least 12 months; and
2. Worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

B. The 12 months required by paragraph (A)(1) above need not be consecutive months. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the Town (e.g., workers' compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as "at least 12 months,"' 52 weeks is deemed to be equal to 12 months.

C. Whether an employee has worked the minimum 1,250 hours is determined according to the principles established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work.

Section 4-7-4 Leave Entitlement

A. Eligible employees, other than employees qualifying for leave to care for a covered servicemember with a serious injury or illness, shall be granted up to a total of 12 weeks of unpaid FMLA leave within any 12-month period.

B. Eligible employees qualifying for leave to care for a covered servicemember with a serious injury or illness shall be granted up to a total of 26 weeks of unpaid FMLA leave during a single 12-month period.

C. Married employee couples may be restricted to a combined total of 12 weeks unpaid FMLA leave within any 12-month period for childbirth, adoption or placement of a foster child, or to care for a parent with a serious health condition.

D. Married employee couples may be restricted to a combined total of 26 weeks unpaid FMLA leave within a single 12-month period to care for a covered servicemember with a serious injury or illness.

Section 4-7-5 Qualifying Exigency Leave under the NDAA

An eligible employee who has a spouse, son, daughter or parent who is a covered military member may take up to 12 weeks unpaid FMLA leave within any 12-month period for one or more of the following qualifying exigencies as defined by federal regulations.

A. Short-notice deployment

B. Military events and related activities

C. Childcare and school activities

D. Financial and legal arrangements

E. Counseling

F. Rest and recuperation

G. Post-deployment activities

H. Additional activities or events arising out of the covered military member's active duty or call to active duty status provided that the Town and the eligible employee agree that the leave qualifies as an exigency and agree to both the timing and duration of the leave.

Section 4-7-6 How FMLA Leave is Measured

A. Except for leave to care for a covered servicemember with a serious injury or illness, the Town uses a rolling 12-month period to calculate FMLA eligibility. Each time an employee uses FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

B. For leave to care for a covered servicemember with a serious injury or illness, the "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for the covered servicemember and ends 12 months after that date.

Section 4-7-7 Use of Accrued Paid Leave

FMLA leave is unpaid leave, unless an employee uses accrued paid leave balances during the FMLA leave period as described in this section. The Town requires employees to use all paid leave balances concurrently with approved FMLA leave before leave without pay is used, except that an employee may choose to retain a sick leave balance of up to 40 hours. The use of paid leave time is subject to the leave policies set forth in this chapter.

Section 4-7-8 Request for Leave

A. Eligible employees shall submit a written request for leave to the Human Resources Department at least 30 days in advance of foreseeable FMLA-qualifying events.

B. Eligible employees shall submit a written request for leave to the Human Resources Department as soon as practicable for unforeseeable events or within no more than two working days after learning of the unforeseen need for FMLA-qualifying leave. An employee requesting unforeseen FMLA leave has the obligation to comply with the Town's regular attendance and reporting requirements.

Section 4-7-9 Medical Certification

Employees requesting FMLA leave for their own serious health condition or for the serious health condition of a child, spouse or parent or for the serious injury or illness of a covered servicemember are required to submit a medical certification form from a health care provider verifying the serious health condition, injury or illness and the need to provide care in the case of a serious health condition, injury or illness of an eligible family member. The medical certification shall include the expected beginning and ending dates of the leave. The Town shall allow the employee at least 15 calendar days to obtain the medical certification.

Section 4-7-10 Certification for Qualifying Exigency Leave under the NDAA

Employees requesting FMLA leave due to a qualifying exigency arising out of the active duty or call to active duty status of a covered military member shall provide certification describing appropriate facts regarding the qualifying exigency for which the leave is requested. The certification shall include information on the type of qualifying exigency for which leave is requested and any available written documentation that supports the request for leave. The certification shall also include the expected beginning and ending dates of the leave. The first time an employee requests leave for a qualifying exigency, the employee shall also be required to provide a copy of the covered military member's active duty order or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

Section 4-7-11 Designation of Leave as FMLA Leave

In all circumstances, it is the Town's responsibility to designate leave, paid or unpaid, as FMLA-qualifying, and to give notice of the designation to the employee. If the employee's leave request gives the Town sufficient reason to consider the leave as FMLA-qualifying, the Town shall designate the leave as FMLA and inform the employee of the designation within five business days after receiving the employee's request for leave.

Section 4-7-12 Determination/Notice of Substantial and Grievous Economic Injury

A. When a key employee gives notice of the need for FMLA leave and the Town makes a good faith determination, based on the facts available, that substantial and grievous economic injury will occur to the Town's operations if the key employee is reinstated at the conclusion of the leave period, the Town shall provide written notice of the determination to the key employee as soon as practicable. The notice shall inform the employee that the Town cannot deny FMLA leave, but that the Town intends to deny restoration to employment upon completion of the key employee's FMLA leave. If FMLA leave has already commenced, the notice shall provide the key employee a reasonable time frame in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

B. If the key employee commences the leave despite the Town's notice, or if a key employee already on leave at the time of the notice does not return to work in response to the Town's notice, the key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the Town actually denies reinstatement at the conclusion of the leave period.

C. The Town shall make the determination of whether the reinstatement of the key employee will cause substantial and grievous economic injury in accordance with the applicable provisions of the FMLA and accompanying regulations.

D. If the Town fails to provide timely notice of the determination to the key employee, the Town shall reinstate the employee even if substantial and grievous economic injury will result from reinstatement.

Section 4-7-13 Intermittent Leave

Under some circumstances, employees may take FMLA leave intermittently, by taking leave in blocks of time or by reducing their normal weekly or daily work schedule.

A. Employees requesting intermittent FMLA leave for a serious health condition or to care for a family member with a serious health condition or to care for a covered servicemember with a serious injury or illness shall provide a medical certification from a health care provider to the Human Resources Department documenting the medical necessity for such leave.

B. Employees requesting intermittent FMLA leave for a qualifying exigency arising out of the active duty or call to active duty status of a covered military member shall provide an estimate of the frequency and duration of the qualifying exigency and an explanation regarding the necessity for such leave.

C. An employee is not guaranteed Intermittent FMLA leave for childbirth, adoption or placement of a foster child. Such leave may be taken only upon approval by the Town.

D. The employee must attempt to schedule intermittent leave in a manner that does not unduly disrupt the Town's operations.

E. The Town may temporarily transfer an employee on intermittent leave to a different position with equivalent pay and benefits if another position would better accommodate the employee's intermittent leave schedule.

Section 4-7-14 Maintenance of Group Health Plan Benefits

A. Subject to the terms, conditions and limitations of the applicable group health insurance plans, the Town of Marana shall maintain group health plan benefits, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.

B. An employee who is on paid FMLA leave via the use of accrued leave balances shall continue to pay his or her share of the group health plan insurance premium, if any, through payroll deductions.

C. An employee who is on unpaid FMLA leave shall make arrangements with the Human Resources and Finance Departments to make payments for his or her share of the group health plan insurance premium, if any. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

D. The Town's obligation to maintain group health plan benefits under this section stops if and when the employee informs the Town of an intent not to return to work at the end of the leave period or if the employee fails to return to work when the FMLA leave entitlement is exhausted. In some circumstances, the Town may recover its share of premiums it paid to maintain group health plan insurance coverage for an employee who fails to return to work from FMLA leave.

Section 4-7-15 Maintenance of Other Benefits

A. The Town has no obligation to maintain insurance and other benefits, such as life insurance or disability insurance, that are not considered to be a "group health plan", while an employee is on FMLA leave. The Town will meet its responsibilities to provide equivalent benefits to the employee upon return from FMLA leave.

B. An employee who is on paid FMLA leave via the use of accrued leave balances shall continue to pay his or her share of any non-group health plan insurance premiums through payroll deductions.

C. An employee who is on unpaid FMLA leave must make payment arrangements with the Human Resources and Finance Departments for his or her share of any non-group health plan insurances premiums. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of non-group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due.

Section 4-7-16 No Break in Service

The use of FMLA leave is not considered a break in service for purposes of determining seniority or leave accrual rates.

Section 4-7-17 Additional Leave

A. If the employee is unable to perform the full essential functions of his or her position, with or without a reasonable accommodation, at the conclusion of the FMLA leave period, or if the employee needs additional time to care for a child, spouse or parent with a serious health condition or a covered servicemember with a serious injury or illness, the employee may request administrative leave for medical purposes pursuant to Policy 4-8.

B. The Town may require updated medical certifications to support the need for the additional leave.

C. The Town is not obligated to grant administrative leave for medical purposes, but will review the request taking into consideration the Town's operational needs and staffing requirements.

Section 4-7-18 Return to Work

A. Employees returning from FMLA leave generally have the right to return to their same position or an equivalent position, with equivalent pay, benefits and working conditions at the conclusion of the leave, unless the employee informs the Town of an intent not to return from leave or the employee fails to return from leave or continues on a leave after exhausting his or her FMLA leave entitlement in a 12-month period.

B. An employee on FMLA leave shall provide the Human Resources Department with at least two days' advance notice of the date the employee intends to return to work.

C. An employee on FMLA leave for the employee's own serious health condition shall provide a certification of fitness to return to work from a health care provider to the Human Resources Department prior to or immediately upon returning to work. If the employee does not provide the certification, the Town may delay restoring the employee to employment until the certification is provided. If any work restrictions are specified, the provisions of these Personnel Policies and Procedures related to alternative work assignments/light duty may apply.

D. A key employee who has been notified that restoration to employment will cause substantial and grievous economic injury to the Town's operations may still request reinstatement at the end of the leave period. The Town shall then make a final determination as to whether reinstatement will cause substantial and grievous economic injury, based on the facts available at the time the employee requests restoration. If the Town determines again that substantial and grievous economic injury will result, the Town shall notify the key employee in writing of the denial of restoration.

Section 4-7-19 Termination of Employment

A. If an employee is unable to perform the full essential functions of his or her position, with or without a reasonable accommodation, at the conclusion of the FMLA leave and a request for administrative leave for medical purposes has been denied, or the employee has been unable to perform the full essential functions of his or her regular position, with or without a reasonable accommodation, for greater than 12 months in a 24-month period, the Town may initiate separation of employment. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

B. If an employee voluntarily resigns his or her position before returning from FMLA, health insurance benefits are subject to COBRA law.

C. If an employee fails to report to work at the conclusion of the FMLA leave period and has not submitted a written request to use other forms of leave, the employee is considered to have resigned.

POLICY 4-8 ADMINISTRATIVE LEAVE

The Town of Marana may provide administrative leave with or without pay to eligible employees as described in this policy.

Section 4-8-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-8-2 Administrative Leave for Medical Purposes

A. Eligible employees who are either not eligible for FMLA leave or who have exhausted the FMLA leave period may request administrative leave for medical purposes for any of the reasons that are listed in Section 4-7-1(A) through (E) of these Personnel Policies and Procedures. Employees may not use administrative leave for medical purposes for exigencies related to the active duty or call to active duty of a covered military member, as defined in the FMLA and the NDAA.

B. Eligible employees shall submit a written request for administrative leave for medical purposes to the Human Resources Department at least 30 days in advance of foreseeable events.

C. Eligible employees shall submit a written request for administrative leave for medical purposes to the Human Resources Department as soon as practicable for unforeseeable

events or within no more than two working days after learning of the unforeseen need for administrative leave for medical purposes. An employee requesting unforeseen administrative leave for medical purposes has the obligation to comply with the Town's regular attendance and reporting requirements.

D. Requests for administrative leave for medical purposes must be accompanied by a medical certification from a health care provider documenting the medical necessity for and expected duration of the leave.

E. The Human Resources Department shall review the request for administrative leave for medical purposes with the employee's Department Head and General Manager, where applicable. In considering the leave request, the Town shall consider the impact to the Town's operations and staffing requirements.

F. The Human Resources Department, in consultation with the Department Head and General Manager, where applicable, may grant administrative leave for medical purposes in increments of up to 90 days at a time, provided that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, does not exceed the equivalent of 12 months in any 24-month period. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

Section 4-8-3 Administrative Leave for Non-Medical Purposes

A. Eligible employees who have completed one year of continuous employment with the Town may request administrative leave for non-medical purposes, such as a sabbatical. Employees shall not use administrative leave for non-medical purposes to work for another employer or to pursue self-employment.

B. Eligible employees shall submit a written request for administrative leave for non-medical purposes to their Department Head at least 30 days prior to the start of the requested leave.

C. The Department Head shall review the request for administrative leave for non-medical purposes with the General Manager, where applicable, and the Human Resources Department. The Department Head, General Manager, where applicable, and the Human Resources Department shall make a recommendation to the Town Manager regarding the request for administrative leave for non-medical purposes. In considering the leave request, the Town Manager, or designee, shall consider the impact to the Town's operations and staffing requirements, as well as any potential benefit to the Town resulting from the employee's leave.

D. The Town Manager may grant administrative leave for non-medical purposes in any increment, for a maximum of up to 90 total days of leave.

Section 4-8-4 Compensation

A. Administrative leave for medical or non-medical purposes may be paid or unpaid, as described in this section.

B. The Town requires employees to use all paid leave balances concurrently with approved administrative leave before leave without pay is used, except that an employee may choose to retain a sick leave balance of up to 40 hours. The use of paid leave time is subject to the leave policies set forth in this chapter.

C. If an employee does not have any accrued paid leave balances or exhausts all paid leave, other than the 40 hours of sick leave the employee is permitted to retain, the employee shall be placed on unpaid administrative leave.

Section 4-8-5 Town-Assigned Administrative Leave

A. A Department Head, General Manager or the Human Resources Department may, with the approval of the Human Resources Director, assign an employee to administrative leave with pay for a specific non disciplinary reason or purpose, such as pending the results of a fitness-for-duty examination.

B. When an employee is assigned to administrative leave pursuant to this section, any documentation placed in the employee's official personnel file shall specifically note that the administrative leave is for non-disciplinary reasons.

C. Town-assigned administrative leave shall ordinarily not exceed 21 calendar days. The Human Resources Department may authorize an extension in extenuating circumstances.

Section 4-8-6 Maintenance of Benefits

A. An employee who is on paid administrative leave via the use of accrued leave balances shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.

B. An employee who is on unpaid administrative leave must pay both the employee's and the Town's share of any group health plan and other insurance premiums in order to maintain coverage. The employee must make payment arrangements with the Human Resources and Finance Departments. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's or the Town's share of group health plan or other premiums in order to maintain coverage, the Town may require the employee to reimburse the Town. If coverage is dropped, it shall

be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

Section 4-8-7 Return to Work

A. The Town is not obligated to hold a position vacant or to return an employee to a position following an unpaid administrative leave that is not part of an approved FMLA absence.

B. An employee on administrative leave for medical purposes shall provide the Human Resources Department with at least two days' advance notice of the date the employee intends to return to work.

C. An employee on administrative leave for medical purposes for the employee's own serious health condition shall provide a certification of fitness to return to work from a health care provider to the Human Resources Department prior to or immediately upon returning to work. If the employee does not provide the certification, the Town may delay restoring the employee to employment until the certification is provided. If any work restrictions are specified, the provisions of these Personnel Policies and Procedures related to alternative work assignments/light duty may apply

Section 4-8-8 Termination of Employment

A. If an employee is unable to perform the full essential functions of his or her position, with or without a reasonable accommodation, at the conclusion of administrative leave for medical purposes and a request for further leave has been denied, or the employee has been unable to perform the full essential functions of his or her regular position, with or without a reasonable accommodation, for greater than 12 months in a 24-month period, the Town may initiate separation of employment. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

B. If an employee fails to report to work at the conclusion of administrative leave and has not submitted a written request to use other forms of leave, the employee is considered to have resigned.

Section 4-8-9 No Right of Appeal

The denial of a request for administrative leave, or the placement of an employee on Town assigned leave, is not subject to appeal under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures.

POLICY 4-9 LEAVE DONATION

Eligible employees may receive contributions of leave from other employees as outlined in this policy if the employee is unable to return to work due to his or her own serious health condition or the serious health condition of an immediate family member as defined in this policy.

Section 4-9-1 Definitions

A. For purposes of this policy, "serious health condition" shall be defined as set forth in Policy 4-7 (Family and Medical Leave) of these Personnel Policies and Procedures.

B. For purposes of this policy, "immediate family member" shall be defined as set forth in Policy 4-2 (Sick Leave) of these Personnel Policies and Procedures.

Section 4-9-2 Eligibility

A. The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

B. To be eligible to receive and use donated leave, employees must meet all of the following criteria:

   1. Be on approved FMLA leave or administrative leave for medical purposes.
   2. Have exhausted all accrued paid leave balances that the employee is eligible to use.
   3. Have applied for any other available compensation and benefits that the employee may be eligible to receive under disability insurance coverage provided by the Town, such as workers' compensation and short- and long-term disability.

C. Eligible employees shall not be permitted to use donated leave if they have been unable to perform the full essential functions of their position, with or without a reasonable accommodation, for a period of time equivalent to 12 months in a 24-month period. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

Section 4-9-3 Request for Donated Leave

A. Employees may request donated leave by submitting a completed request form, available in the Human Resources Department, to the Human Resources Department. If it has not already been provided, the employee shall include a medical certification from a health care provider documenting the medical necessity for and expected duration of the leave with the completed form.

B. Employees must submit a new request form for each FMLA leave or administrative leave for medical purposes period during which the employee desires to receive and use donated leave.

C. The Human Resources Department will review the request to ensure the employee's eligibility. If the employee is eligible, the Human Resources Department will then post the request for donated leave in a location to be determined by the Human Resources Department.

Section 4-9-4 Donation of Leave

A. Employees may donate leave by submitting a completed leave donation form, available in the Human Resources Department, to the Human Resources Department. The identity of donating employees will be kept confidential.

B. Employees must submit a new leave donation form for each FMLA leave or administrative leave for medical purposes period during which the employee desires to donate leave and for each person the employee desires to donate leave to.

C. Employees may donate vacation or sick leave, pursuant to the following conditions:

   1. Donating employees must maintain a total cumulative balance of 80 hours of sick and vacation leave.

   2. Employees may only donate up to 40 hours of sick leave per calendar year. Employees may donate as much vacation leave as they choose, provided that the mandated 80-hour balance is maintained.

D. Employees must donate leave in full day increments, based on the number of hours in the receiving employee's work day. That is, if the receiving employee works eight hour days, the donating employee must donate leave in eight-hour increments; if the receiving employee works ten hour days, the donating employee must donate leave in ten-hour increments, and so on.

E. Employees must pledge up to a certain maximum amount of leave hours they will donate for a particular employee during a particular leave period. The pledged leave hours will remain in the donating employees leave banks unless and until they are needed by the receiving employee, at which time the Finance Department will draw from the pledged leave hours.

F. The Human Resources Department will review the leave donation form to ensure that the donation complies with the provisions of this policy. As the Finance Department draws from the pledged leave hours, the Finance Department will monitor the donation to ensure continued compliance with the mandatory 80-hour leave balance provision of this policy.

G. If more than one employee donates leave to a particular employee, leave will be deducted from the donors' leave balances on a rotating basis, in the order it was donated, in full day increments, based on the number of hours in the receiving employee's work day.

H. There is no limit on the amount of donated leave eligible employees may receive, except that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, shall not exceed the equivalent of 12 months in any 24-month period. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

I. Donated leave hours may only be drawn from and used by the receiving employee while the donating employee is an active Town employee.

J. The receiving employee and the Town are under no obligation to repay any used donated leave to the donating employee.

Section 4-9-5 Coordination with Other Payments

The employee's pay shall not exceed the employee's normal weekly earnings through any combination of donated leave and other payments received by the employee, such as workers' compensation benefits or disability insurance payments. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.

Section 4-9-6 Maintenance of Benefits

An employee who is on leave and using donated leave shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.

Section 4-9-7 Leave Accrual

A. An employee who is on leave and using donated leave shall not accrue any sick or vacation leave during the leave period.

B. An employee who is on leave and using donated leave at the beginning of a calendar year shall still receive the full allotment of personal leave.

POLICY 4-10 GROUP BENEFITS

The Town of Marana provides group benefits coverage as determined by the Town Council for eligible employees. The Human Resources Department is responsible for implementation and administration of all group benefits and insurance plans.

Section 4-10-1 Group Insurance Coverage

A. For purposes of this policy "group insurance coverage" may include health, income protection and life insurance plans contributed to by the Town and employees.

B. The Town contributes to the costs of group insurance coverage for full-time employees and those part-time employees whose normal work week is at least 20 hours per week. The Town may also contribute to coverage for eligible dependents of these employees.

Section 4-10-2 Retirement Plans

A. The Town participates in the Arizona State Retirement System (ASRS), the Public Safety Personnel Retirement System (PSPRS) for sworn police personnel, and the Corrections Officer Retirement Plan (CORP) for dispatchers hired prior to November 24, 2009. These retirement systems are governed by state law and the provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

B. Employees whose normal work week is 20 hours or more and who have met the eligibility requirements of the retirement plan are required to participate in ASRS or, where applicable, PSPRS or CORP.

C. Retirement benefits accrue from both employee and employer contributions. The amount of the contributions is determined by state law.

D. Employees are vested in accordance with the provisions of the retirement plan in which they are enrolled.

E. If an employee terminates service without retiring, accrued contributions are refundable in accordance with the applicable plan's rules and state law.

Section 4-10-3 Employee Assistance Program

A. The Town provides an employee assistance program (EAP) to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, term-limited temporary employees and short-term temporary employees.

B. When an employee voluntarily seeks assistance from the EAP, confidentiality is maintained. The Town will not be informed that help has been sought unless the employee requests that the information be released.

C. When stress or personal problems interfere with job performance, the Town will encourage and may require participation in the EAP to deal with job-related performance issues. When participation is required, the EAP provider will maintain

confidentiality and will only verify that the employee has participated as required by the Town.

D. Use of the employee assistance program may be a condition of continued employment if the Town's drug and alcohol abuse policy is violated.

E. No employee will have his or her employment or promotional opportunities jeopardized solely by participation in the EAP, nor will participation in the EAP protect the employee from disciplinary action for substandard performance or misconduct.

Section 4-10-4 Voluntary Benefits

The Town may offer other voluntary benefits, such as benefits for dependents. Voluntary benefits are fully paid by the employee.

POLICY 4-11 WORKERS' COMPENSATION

Under Arizona law, it is mandatory for employers to secure workers' compensation insurance for their employees. Workers' compensation is a "no fault" system in which an injured or ill employee is entitled to receive benefits for a job-related injury or illness, no matter who caused the injury or illness. If an illness or injury is job-related, then the injured employee is eligible to receive medical benefits and may receive temporary compensation, if eligibility requirements are met. In some cases, a claimant may also receive permanent compensation benefits, job retraining, and supportive medical care.

The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

Section 4-11-1 Reporting Requirement

A. Employees shall immediately report any job-related accident, illness or injury, regardless of severity, to their immediate supervisor. If the employee's immediate supervisor is not available, or if the employee's immediate supervisor is the employee's Department Head, the employee shall report the accident, injury or illness to the employee's Department Head.

B. The employee's supervisor or Department Head shall ensure that the accident, injury or illness is reported to the Human Resources Department no later than the next business day.

C. In addition, employees shall follow the reporting procedures established by the Human Resources Department, to include completing and submitting any required forms.

Section 4-11-2 Determination of Compensability

The Town's workers' compensation carrier will determine compensability for job related injuries and illnesses.

Section 4-11-3 Types of Claims

A. Medical Only Claims. Pursuant to state law, if an employee is off work for seven calendar days or less due to a job-related injury or illness determined to be compensable, the workers' compensation carrier will pay all of the employee's medical expenses associated with the job related injury or illness, but will not pay compensation benefits for lost wages. The day of the injury or onset of illness is not included in the calculation.

B. Time Lost Claims. Pursuant to state law, if an employee is off work for more than seven calendar days due to a job-related injury or illness determined to be compensable, the workers' compensation carrier will pay all of the employee's medical expenses associated with the job related injury or illness and some compensation benefits for lost wages, depending upon the number of days the employee is off work. The day of the injury or onset of illness is not included in the calculation.

   1. If the employee is off work for more than seven calendar days but less than 14 calendar days, the workers' compensation carrier will provide compensation benefits for lost wages at the state-mandated percentage of the employee's average monthly wage for each day off work after the first seven calendar days.

   2. If the employee is off work for 14 calendar days or more, the workers' compensation carrier will provide compensation benefits for lost wages at the state-mandated percentage of the employee's average monthly wage for each day off work retroactive to the first day off work after the day of the injury or onset of illness.

Section 4-11-4 Use of Leave

A. On the day of the accident, injury or illness, the employee will not be required to use sick or other leave for an absence that is a direct result of the accident, injury or illness. The employee shall record time spent during the work day addressing the accident, injury or illness, such as seeking medical attention, as "industrial leave" on his or her time sheet or attendance record. The employee will not be paid wages for any time spent addressing the accident, injury or illness outside the employee's scheduled work day.

B. Beginning with the first work day following the day of the accident, injury or onset of illness, the employee may use any accrued leave balances for absences related to the accident, injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

C. If the employee used accrued leave balances for time lost and the workers' compensation carrier then provides retroactive compensation benefits for lost wages, the Town shall reimburse the employee's leave balances in the appropriate amount and type of leave for the time lost that is retroactively paid through compensation benefits. The Town will correct the overpayment to the employee in the next regular pay cycle or cycles by reducing the employee's hours paid by the Town.

D. The employee's pay shall not exceed the employee's normal weekly earnings through any combination of workers' compensation benefits, paid leave and other payments received by the employee. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.

E. For any absences during which the employee is receiving compensation benefits for lost wages from the workers' compensation carrier, the payroll liaison for the employee's department shall record the employee's time on a time sheet or attendance record allocating that portion of the employee's time that is being paid by the workers' compensation carrier as "industrial leave" and the remainder of the employee's time as paid or unpaid leave, as applicable.

F. When an employee with a job-related injury or illness returns to work, either in his or her normal assignment or in an alternative work assignment (light/restricted duty), the employee must use sick leave or other approved leave for absences due to medical appointments, including physical therapy, for the job-related injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

G. The Town shall not approve the use of sick or vacation leave for an employee who has an injury, illness or disease incurred while employed by another employer.

Section 4-11-5 Maintenance of Benefits

A. An employee who uses accrued paid leave balances to supplement compensation benefits for lost wages due to a job-related injury or illness shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.

B. An employee who does not use accrued paid leave balances to supplement compensation benefits for lost wages due to a job-related injury or illness shall make arrangements with the Human Resources and Finance Departments to make payments for his or her share of any group health plan and other insurance premiums. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town

pays any of the employee's share of group health plan or other premiums in order to maintain coverage, the Town may require the employee to reimburse the Town. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

Section 4-11-6 Coordination with the Supplemental Benefits Plan for Public Safety Employees

If any of the provisions of this policy conflict with the provisions of the supplemental benefits plan for public safety employees, as set forth in Policy 3-12 of these Personnel Policies and Procedures, the provisions of the supplemental benefits plan shall govern for eligible public safety employees.

Section 4-11-7 Miscellaneous

A. A job-related injury or illness may also be considered a "serious health condition" under the Family and Medical Leave Act (FMLA). In such cases, the Town will designate the employee's absence as FMLA-qualifying, will give notice of the designation to the employee and the FMLA provisions described in these Personnel Policies and Procedures will apply.

B. An employee returning from leave following a job-related injury or illness shall provide a certification of fitness to return to work from a health care provider to the Human Resources Department prior to or immediately upon returning to work. If the employee does not provide the certification, the Town may delay restoring the employee to employment until the certification is provided. If any work restrictions are specified, the provisions of these Personnel Policies and Procedures related to alternative work assignments/light duty may apply.

POLICY 4-12 SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY EMPLOYEES

Pursuant to A.R.S. §38-961, the Town of Marana is required to provide a supplemental benefits plan for eligible public safety employees who are injured on the job and unable to perform the functions of their position.

The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

Section 4-12-1 Definitions

For purposes of this policy, "public safety employee" shall be defined as an individual who is a member of the Public Safety Personnel Retirement System (PSPRS) or the Corrections Officer Retirement Plan (CORP).

Section 4-12-2 Eligibility

A. To be eligible for the supplemental benefits plan, the employee must meet all of the following criteria:

   1. Be a public safety employee employed full-time by the Town at the time of injury.
   2. Be injured while on duty and eligible for workers' compensation benefits pursuant to A.R.S. § 23-1021 and Policy 3-11 of these Personnel Policies and Procedures, as determined by the Town's workers' compensation carrier.
   3. Be physically unable to return to work for the Town in any capacity, including alternative work assignments or light duty, as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town directly or through its workers' compensation insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible for the supplemental benefits plan.
   4. Be receiving compensation benefits for lost wages pursuant to A.R.S. § 23-1041 and Policy 3-11 of these Personnel Policies and Procedures.

B. To maintain eligibility for the supplemental benefits plan, the employee must comply with all risk management requirements of the Town, including evaluation for light duty/alternative work assignment options and rehabilitation programs, and coordination of benefits. Failure to comply with the Town's risk management requirements and decisions shall result in the termination of the employee's participation in the supplemental benefits plan.

Section 4-12-3 Supplemental Compensation

A. Employees eligible for the supplemental benefits plan shall receive supplemental compensation from the Town in an amount that, when added to the benefits being paid by the workers' compensation fund to the employee, less any deductions, results in the employee receiving approximately the identical salary the employee was receiving prior to the injury.

B. The Town shall pay the supplemental compensation for a period of up to six months from the date the employee receives first payment of workers' compensation benefits for lost wages pursuant to A.R.S. § 23-1041, provided that the employee continues to meet all eligibility criteria.

Section 4-12-4 Application Procedures

A. To apply for the supplemental benefits plan, an employee must submit a written request to the Human Resources Department on a form provided by the Human Resources Department.

B. All requests must be received by the Human Resources Department within 14 calendar days of the employee's receipt of his or her first lost wage replacement benefit paid under workers' compensation. An employee's failure to submit a request within the timeframe established in this paragraph shall be construed as a waiver of any rights under A.R.S. §38-961 and this policy.

C. The Human Resources Department shall review the employee's request and shall provide the employee with a written determination of benefits eligibility within 14 calendar days of receipt of the employee's request.

D. If an employee is denied participation in the plan for any reason other than a determination by the Town's workers' compensation carrier that the employee is not eligible for workers' compensation benefits, he or she has a right to request review of the denial by filing a written request for review with the Human Resources Department within ten working days from receipt of the denial letter. The employee's request for review must state the reason for the request and facts that the employee wishes to have considered. The Human Resources Department shall forward the request for review to the Town Manager.

E. The Town Manager shall render a written opinion affirming or denying the employee's eligibility within five working days of receipt of the employee's request for review. The Town Manager's decision is final and not appealable within any Town process.

F. If an employee is denied participation in the plan due to a determination by the Town's workers' compensation carrier that the employee is not eligible for workers' compensation benefits, the employee may appeal that decision through the procedures established by the workers' compensation carrier and state law.

Section 4-12-5 Maintenance of Benefits

A. The Town shall maintain group health plan benefits for employees participating in the supplemental benefits plan on the same terms as if the employee continued to work.

Thus, the Town shall continue to pay its share of any group health plan insurance premium and the employee shall continue to pay his or her share, if any.

1. The employee shall continue to pay his or her share of any group health plan benefits through payroll deductions if the employee is receiving sufficient compensation from the Town to cover his or her share of the premium.
2. If the employee is not receiving sufficient compensation from the Town to cover his or her share of the premium, the employee shall make arrangements with the Human Resources and Finance Departments to make payments for his or her share of the premium. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

B. While the employee is participating in the supplemental benefits plan, the Town shall pay both the employer and employee contributions to PSPRS or CORP, as applicable, based on the employee's pre-injury salary, unless the employee is no longer actively contributing to PSPRS or CORP. In such a case, the Town shall continue to pay the employer contribution to the employee's retirement system and the employee shall continue to pay the employee contribution.

C. An employee participating in the supplemental benefits plan is responsible for paying for any elective health care plan deductions, health related optional deductions, optional life insurance deductions or any other optional, employee-elected benefits.

Section 4-12-6 Paid Leave Balances

A. An employee shall not accrue any additional sick, vacation, personal or compensatory leave while the employee is participating in the supplemental benefits plan.

B. An employee's sick, vacation, personal and compensatory leave balances shall not be decreased while the employee is participating in the supplemental benefits plan.

C. If the employee used accrued leave balances to supplement workers' compensation benefits for lost wages prior to being approved for the plan, the Town shall reimburse the employee's leave balances in the appropriate amount and type of leave for the time lost that is retroactively paid through the supplemental benefits plan. The Town will correct the overpayment to the employee in the next regular pay cycle or cycles by reducing the employee's hours paid by the Town.

Section 4-12-7 Miscellaneous

To the extent the employee is eligible for and receives salary or benefit changes while participating in the supplemental benefits plan, the plan benefits will be adjusted accordingly.

POLICY 4-13 BENEFITS CONTINUATION/COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, amended by the Health Insurance Portability and Accountability Act (HIPAA) of 1996, provides that covered employees and their qualified beneficiaries may continue health insurance coverage under the Town of Marana's health plan when a "qualifying event" would normally result in the loss of eligibility. The Town shall follow all applicable federal and state laws in determining what constitutes a qualifying event.

The provisions of this policy are not intended to conflict with or supersede federal or state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal or state law, federal or state law shall control.

Section 4-13-1 Payments

A. Except as provided in this policy, employees or beneficiaries participating in COBRA benefits shall pay the full cost of coverage at the Town's group rates plus an administration fee as prescribed by federal law.

B. The Town Manager, in his or her sole discretion, may authorize Town payment of the costs of COBRA coverage for an employee or his or her beneficiaries for up to six months if the employee's qualifying event is a layoff as described in Chapter 8 of these Personnel Policies and Procedures.

Section 4-13-2 Written Notification of Eligibility

The Human Resources Director shall ensure that each eligible employee and/or beneficiary receives written notification regarding COBRA rights and benefits in accordance with applicable federal and state laws.

POLICY 4-14 ALTERNATIVE WORK ASSIGNMENTS/LIGHT DUTY

The Town of Marana recognizes the value of allowing employees with work restrictions to temporarily work in an alternative work or light/restricted duty assignment. Alternative work assignments are intended for employees with medically documented temporary mental or physical illnesses or injuries sustained on or off the job who have work restrictions and who are expected to eventually return to unrestricted work. The Human Resources Department shall coordinate and administer all alternative work assignments for the Town.

The provisions of this policy are not intended to conflict with or supersede federal or state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal or state law, federal or state law shall control.

Section 4-14-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-14-2 Definitions

A. For purposes of this policy, "alternative work assignment," "light duty" and "restricted duty" are used interchangeably and shall be defined as temporary work that is physically or mentally less demanding than the employee's regular job duties. An alternative work assignment or light/restricted duty may include a reduction in full time equivalency, limiting or altering duties in the employee's existing position, or temporarily reassigning the employee to another position which he or she is qualified and capable to perform.

B. For purposes of this policy, "work restriction" shall be defined as a restriction that prevents an employee from performing the full scope of his or her job duties as outlined in the job description for the employee's position.

Section 4-14-3 Procedures

A. When the Human Resources Department becomes aware that an employee has temporary work restrictions, the Human Resources Department will make every effort consistent with the provisions of this policy to offer the employee an alternative work assignment.

B. In order to be considered for an alternative work assignment, an employee must present a medical certification from a health care provider specifying work restrictions and the expected duration of the restrictions to the Human Resources Department.

C. Upon receipt of the certification, the Human Resources Department may communicate with the employee's health care provider to clarify and attain specificity on physical restrictions and limitations relative to specific job duties and responsibilities.

D. The Human Resources Department shall determine whether there are any alternative work assignments within the Town which the employee can perform given the work restrictions. Primary consideration will be given to job placement within the employee's

department and regular job duties. However, an employee may also be placed in an alternative work assignment in another department and/or in another position. An alternative work assignment may also result in a change in the employee's work hours.

E. An employee may be placed in an assignment that is in a lower classification than the employee's regular job assignment; however, the employee's salary shall remain the same as it was in the employee's regular job assignment. Overtime, on-call/stand-by and call-out pay is not authorized for employees on light duty status.

F. Under no circumstances will the Town create a position solely for the purpose of providing work for an employee who is eligible to return to work under a temporary work restriction. Alternative work assignments shall involve productive work that is both useful to the Town and achievable within the restrictions placed on the employee. If there is no alternative work assignment available for a particular employee, the employee shall remain on, or be placed on, an appropriate form of leave, pursuant to the policies set forth in this chapter.

G. Employees with on the job injuries or illnesses shall be given preference for alternative work assignments over employees with off the job injuries or illnesses, even if an employee with an off the job injury is already serving in an alternative work assignment. Thus, if an employee with an off the job injury is serving in an alternative work assignment, the Town may remove that employee from the assignment if removal is necessary to provide an alternative work assignment for an employee with an on the job injury.

H. An employee who has previously been subject to work restrictions is required to inform the Human Resources Department immediately upon receiving a release to regular duty from a health care provider.

Section 4-14-4 Duration

An initial alternative work assignment may have a duration of up to 90 days. The Human Resources Department may extend an alternative work assignment in increments of up to 90 days at a time, provided that there remains a reasonable expectation that the employee will return to his/her regular duties within a reasonable amount of time and that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, does not exceed the equivalent of 12 months in any 24-month period. For purposes of tracking leave time, 12 months will be measured based on 2080 hours for full-time employees and pro-rated for part-time employees.

Section 4-14-5 Interaction with Other Laws and Policies

A. An employee on FMLA leave is not required to accept an available alternative work assignment. The employee may continue on FMLA leave either until the employee is

able to return to his/her job or an equivalent job, or until the 12-week FMLA leave entitlement is exhausted.

B. An employee receiving workers' compensation benefits may forfeit the right to those benefits by refusing to accept an alternative work assignment, as determined by the Town's workers' compensation carrier.

Section 4-14-6 No Right to Alternative Work Assignment

If granted, alternative work assignments are a privilege and shall not be considered a right or entitlement. An employee in an alternative work assignment has no rights to that assignment or any tasks associated with that assignment no matter the duration of the alternative work assignment.

Section 4-14-7 Miscellaneous

A. An employee in an alternative work assignment is subject to all rules, regulations, standards, policies and procedures of the Town and of the department to which the employee is assigned.

B. Employees serving in alternative work assignments shall receive a formal performance appraisal document in accordance with the Town's normal performance management process. The appraisal shall address the employee's job duties and performance for the relevant time period, including the employee's job duties and performance in the alternative work assignment.

C. Employees serving in an alternative work assignment within the same classification as their regular position are eligible for merit increases based on job performance and availability of funding.

D. Employees serving in an alternative work assignment outside the classification of their regular position will be considered for merit increases on a case-by-case basis, depending upon the level of work being performed compared to the employee's regular assignment.

Section 4-14-8 No Right of Appeal

The decision of the Town to place or not to place an employee in an alternative work assignment is not subject to appeal or review under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies or Procedures or under any other Town review/appeal process.

POLICY 4-15 CIVIC DUTY

The Town of Marana encourages employees to fulfill their civic responsibilities as citizens and provides civic duty leave to eligible employees as described in this policy.

Section 4-15-1 Eligibility

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.

Section 4-15-2 Jury Duty

A. Eligible employees shall be granted up to ten days of paid jury duty leave during any rolling 12-month period.

B. Employees shall provide a copy of the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.

C. Employees on jury duty shall be paid their regular base rate of pay provided that they submit any juror fee payments received from the court, excluding mileage and per diem payments, to the Finance Department. Employees may keep mileage and per diem payments.

D. If an employee is required to serve on jury duty beyond the period of paid jury duty leave, the employee may request to use accrued vacation, personal or compensatory leave balances or may request administrative leave for non-medical purposes.

E. Employees shall report for work while on jury duty whenever the court schedule permits.

F. The Department Head may ask the employee to request an excuse or postponement from jury duty if, in the Department Head's judgment, the employee's absence would create serious operational difficulties.

Section 4-15-3 Witness Duty

A. Eligible employees shall be granted up to 40 hours of paid time off for each instance in which the employee is subpoenaed to appear in court as a witness in a case. This section does not apply to employees who are subpoenaed to appear in court as a part of their regular job responsibilities, such as police officers. Employees who are subpoenaed to appear in court as a part of their regular job responsibilities are considered to be on duty while responding to the subpoena.

B. Employees shall provide a copy of the subpoena to their supervisor immediately after it is received so that the supervisor may make arrangements to accommodate the employee's absence.

C. Employees under subpoena shall be paid their regular base rate of pay provided that they submit any witness fee payments, excluding mileage and per diem payments, to the Finance Department. Employees may keep mileage and per diem payments.

D. If an employee is required to appear in court beyond the period of paid leave provided by this section, the employee may request to use accrued vacation, personal or compensatory leave balances or may request administrative leave for non-medical purposes.

E. Employees under subpoena shall report for work whenever the court schedule permits.

F. Employees are not eligible for witness duty leave for time spent in court on personal matters without a subpoena. Employees shall request the use of accrued leave balances for these court matters.

Section 4-15-4 Voting

A. Any employee eligible and registered to vote in any public election held within this state may request time off for voting. The employee must apply for leave for voting prior to the election day.

B. The employee may be absent for up to three hours with pay on the day of the election for the purpose of voting. The amount of leave the employee is eligible for shall be determined in accordance with state law, which requires that an employee have three consecutive hours in which to vote. Employees are not entitled to voting leave if they have three consecutive non-working hours in which to vote.

C. The Department Head may specify the hours during which the employee may be absent for the purpose of voting.

D. Employees are expected to vote at a time that minimizes impact on the department operations.

E. An employee may be required to provide evidence of eligibility to vote prior to approval for time off.

TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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CHAPTER 5

WORK RULES

POLICY 5-1 HOURS OF WORK

An employee is expected to work the days and hours necessary to perform all assigned responsibilities and tasks in order to provide continuity of services to citizens and to facilitate teamwork and supervision. Attendance is an essential function of every Town position and shall be a consideration in determining promotions, transfers, satisfactory completion of performance periods and continued employment with the Town.

Section 5-1-1 Normal Work Week and Work Hours

A. The work week will generally consist of five days within a 40 hour week or as determined otherwise by the Town Manager. A work week generally begins every Saturday at 12:01 a.m. and ends the following Friday at 12:00 midnight. The Town Manager or Department Head may stagger, rearrange and adjust the work hours of employees to enable the Town to keep offices open at all times required.

B. Most full-time employees will work during the core business hours of the Town, from 8:00 a.m. to 5:00 p.m. Monday through Friday, with one unpaid meal break each day. Normal work schedules may be adjusted as provided within these policies and/or with the approval of the Town Manager or designee.

C. Modifications to the Town's normal core business hours may be made, subject to any federal or State statutory or constitutional limitations relating to hours of work.

Section 5-1-2 Alternative or Flexible Work Schedules

A. The Town Manager may establish alternative or flexible work schedules, but at no time shall those schedules interfere with the normal operations of the Town government.

B. Individuals with a medical need for an alternative or flexible work schedule should contact the Human Resources Department. Any arrangements shall be governed by these Personnel Policies and Procedures.

C. Daily and weekly work schedules, including alternative or flexible work schedules, may be changed from time to time at the discretion of the Town to meet varying work conditions. Changes in work schedules will be announced as far in advance as practicable.

Section 5-1-3 Absences and Tardiness

A. Advance notice of all absences is expected. Employees shall provide notice of scheduled absences as far in advance of the absence as possible and no later than 24 hours before the absence. Employees shall provide notice of unscheduled absences within one-half hour before the scheduled start of their work day, unless other notice requirements are

established by written departmental standard operating procedures. If the employee is physically unable to notify his or her supervisor within the time frame required by this policy, the employee shall provide notice as soon as possible. If applicable, the supervisor may request medical verification of an employee's incapacitation, from a licensed health care provider as provided in Policy 3-2 of these Personnel Policies and Procedures.

B. Advance notice of anticipated tardiness is expected. Employees shall provide notice of anticipated tardiness as far in advance of the tardiness as possible and no later than 24 hours before the tardiness. Employees shall provide notice of unanticipated tardiness as soon as possible. The employee's supervisor shall determine if work time lost due to tardiness may be made up by the employee or if the employee will be required to use accrued leave balances or take leave without pay. If authorized by the employee's supervisor, the employee may make up work time lost due to tardiness only during the work week in which it occurs.

C. Notification of an unscheduled absence or tardiness by another employee, friend or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

D. Departments are responsible for establishing procedures for employee notification of unscheduled absences or tardiness. Generally, unless provided otherwise by a department procedure, employees are expected to speak with their direct supervisor regarding an unscheduled absence or tardiness within the time-frames provided by this policy.

E. Poor attendance and frequent tardiness are disruptive to the provision of Town services and may lead to disciplinary action, up to and including termination of employment.

Section 5-1-4 Meal Breaks and Rest Breaks

A. Town employees who are considered non-exempt under the Fair Labor Standards Act (FLSA) and who work a regular 8-hour work day will normally receive a minimum of one 30-minute unpaid meal break. However, due to operational needs the Department Head, in his or her sole discretion, may require an employee to engage in work during the employee's meal break, in which case the employee will be paid for all compensable time. The duration of meal breaks shall be determined by the Department Head in order to avoid overtime whenever possible. Meal breaks shall not be taken at the beginning or end of a work shift and cannot be combined with paid rest breaks.

B. Town employees who are considered non-exempt under the Fair Labor Standards Act (FLSA) and who work a regular 8-hour work day may be granted paid rest breaks of short duration, from five to 20 minutes. Work demands may preclude the granting of a rest break; therefore, rest breaks shall be granted at the sole discretion of the appropriate

supervisor or Department Head. Rest breaks shall not be taken at the beginning or end of a work shift and cannot be combined with meal breaks.

POLICY 5-2 PERSONNEL FILES

The Human Resources Department maintains an official personnel file and a separate medical file on each employee. The personnel file contains documentation regarding all aspects of the employee's tenure with the Town, such as employment history, performance appraisals, and disciplinary action notices. The medical file contains documentation such as employee benefits elections and medical leave information.

Section 5-2-1 Official Personnel Files

A. The Human Resources Department is responsible for maintaining official personnel files and must approve materials for inclusion in personnel files.

B. An employee may submit a written statement for inclusion in his/her official personnel file if he or she believes that any of the included materials requires correction and/or clarification.

Section 5-2-2 Department Personnel Files

A. The employee's current department may also maintain a personnel file regarding the employee's tenure with the department. If maintained, the department personnel file should contain the following items:

1. Name
2. Social Security Number
3. Emergency contact information
4. Personnel Action Forms and supporting documentation
5. Performance appraisal documents
6. Documents of all formal disciplinary actions and grievance/appeal actions not alleging discrimination
7. Outside employment documents
8. Employment application(s)
9. Employee time and leave records including leave request documents and time sheets
10. Education reimbursement application forms

B. Employees may provide work-related documents, such as letters of commendation, school transcripts, and updated resumes for inclusion in the department personnel file.

C. Each department should also maintain copies of the non-medical portions of risk management files related to worker's compensation reports and supervisor's copies of accident/injury reports.

D. Department personnel files shall be relocated to the receiving department upon employee transfer. The transferring department may retain only the following information:

1. Name
2. Address
3. Social Security Number
4. Personnel Action Forms and supporting documentation

E. As a general rule, departments shall maintain only the employee records listed in this section in department personnel files. Questions regarding the contents of department personnel files should be referred to the Human Resources Director. For the purpose of employee performance evaluations and pending disciplinary actions, notations related to identified performance factors may be placed in a supervisory working file provided the performance issue has been discussed with the employee and the notations are removed after the performance evaluation or discipline has been issued and is final.

Section 5-2-3 Access to Personnel Files

A. Official and department personnel files and employment records shall be kept confidential except as required by law. During the normal course of employment, only the following individuals shall be permitted access to personnel files and employment records:

1. Personnel within the Human Resources Department
2. The Town Manager or designated administrator
3. The Town Attorney or designated attorney
4. The employee or the employee's designated representative who has written authorization from the employee
5. State and federal auditors or law enforcement authorities in the course of their duty, when required, and only after presentation of proper identification and notification of audit or investigation
6. The employee's current or prospective Department Head or designee .

B. Access to official and department personnel files under this section shall only be permitted during normal working hours and for appropriate business purposes.

Section 5-2-4 Updating Personnel Files

A. Department Heads are responsible for forwarding documents to the Human Resources Department for inclusion in the official personnel files of those employees assigned to their department.

B. To ensure that personnel files are up-to-date at all times, employees should notify their supervisor or the Human Resources Department of any changes in name, telephone number, home address, marital status, number of dependents, beneficiary designation, scholastic achievements, emergency contacts and other similar information.

C. Employees may inspect their official personnel file to ensure accuracy and completeness of the file. A Human Resources Department representative must be present when a file is reviewed.

Section 5-2-5 Records Release

A. Personnel files and employment records of public employees are considered public records. Upon receipt of a proper public records request, records that are not made confidential by law may be released to the extent required by Arizona's public records law, A.R.S. § 39-121 *et seq*.

B. Employee names, dates of service, positions held, and compensation may be released without legal inquiry.

C. In the absence of a public records request, other information contained in an employee's personnel file will only be released with the express written permission of the employee.

Section 5-2-6 Records Retention

A. An employee's personnel and department personnel files shall be retained in accordance with the Town's records retention and disposition schedule as approved by the Arizona State Library, Archives and Public Records department or in accordance with federal law, whichever requires a longer period of retention. During this retention period, nothing will be removed from the personnel file.

B. The employee's name, position held, dates of service, compensation, and reason for separation will be retained indefinitely.

POLICY 5-3 PERSONAL APPEARANCE

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the organizational image the Town of Marana presents to the general public. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Department Heads are responsible for determining and enforcing the dress code for their respective areas of responsibility.

Section 5-3-1 Acceptable Attire

Because of the changing nature of fashion, regulations pertaining to acceptable employee attire and grooming are flexible. There are, however, certain expected norms of professional appearance, of personal neatness, cleanliness and good grooming that are applicable to all employees.

Section 5-3-2 Unacceptable Attire

The Town of Marana reserves the right to advise any employee at any time that his or her grooming, attire or appearance is unacceptable. After having been so advised, the employee shall make any changes required by his or her supervisor. Failure to do so will result in the employee's suspension without pay until corrective action by the employee is taken. Repeated lack of compliance may result in further disciplinary action, up to and including discharge.

Section 5-3-3 Uniforms

A. Employees who are required to wear a uniform of any type in the performance of their duties will be provided a uniform by the Town.

B. The Town may engage a uniform service company for laundering of uniforms. Laundering, cleaning and general upkeep of uniforms is the responsibility of each employee, whether the employee chooses to use the uniform service company or to self-wash uniforms.

C. Employees should be aware that the furnishing of uniforms and maintenance or replacement allowance, if any, may, under certain circumstances, be considered a taxable benefit.

D. Upon leaving the employment of the Town, uniforms are to be returned to the department according to departmental guidelines.

POLICY 5-4 USE OF COMMUNICATIONS SYSTEMS AND EQUIPMENT

Electronic mail (e-mail), voice-mail, telephone, on-line subscriber services and the Internet are all information management and communications tools that are important parts of the way that the Town of Marana does business. Employees shall use these systems and associated equipment in an appropriate manner at all times.

Section 5-4-1 No Expectation of Privacy

A. All electronic storage and communication systems and equipment (including without limitation facsimiles, copiers, computers, software and telephones) and all information transmitted by, received from or stored in these systems are the property of the Town.

B. Employees should have no expectation of privacy regarding the use of these systems and equipment or the transmission, receipt or storage of information in these systems or equipment.

C. The Town may monitor an employee's use of these systems and equipment at any time at its discretion. Such monitoring may include, but is not limited to, monitoring, tracking, and review of all employee communications including all information created, stored, and disseminated using the Town's computer, network and telephone systems and all information viewed, downloaded, copied, sent, or processed using the Town's computer, network and telephone systems.

Section 5-4-2 Permitted Use

The Town's communications systems and equipment shall be used primarily for Town business purposes associated with the performance of each employee's job. Any use of these systems for non-work related purposes beyond limited incidental use, is prohibited.

Section 5-4-3 Prohibited Use

Improper use of the Town's electronic storage and communications equipment is strictly prohibited. Improper use includes, but is not limited to, the following uses.

A. Any communications which violate Town policy, including abusive, harassing, intimidating vulgar, obscene and offensive communications, communications that defame or libel others, and communications that infringe upon the privacy rights of others.

B. Disparaging communications or jokes which are based on race, national origin, marital status, sex, sexual orientation, disability, age, religion, or any other characteristic protected under federal, state or local law.

C. Communications of any copyrighted materials, trade secrets, proprietary information, or any other highly sensitive confidential information, except with management permission in the course of an employee's job.

D. Solicitation of others for commercial ventures or religious, social or political causes.

E. Accessing, viewing, downloading, copying or sending information that is illegal, sexually explicit or obscene.

F. Using on-line services or the Internet to gamble or wager.

G. Acts that damage, interfere with, or congest the Town's computer or network systems or interfere with the work of other employees.

Section 5-4-4 Additional Employee Responsibilities

A. Employees shall maintain the secrecy of all passwords, identification numbers, or other means of entry onto the Town's computer systems and networks. The Town is the holder of all passwords, identification numbers, and other means of entry and no employee will use a pass code or voice mail access code that is unknown to the Town or that is not expressly authorized by the Town. The Town Manager may establish administrative directives regarding the establishment and use of passwords.

B. Employees shall cooperate with authorized Town officials in any investigation involving the Town's electronic communications systems.

C. Employees may load outside files from an acceptable and known source onto the Town's computer system. Employees shall obtain approval from the Technology Services Department for all other outside files prior to loading such files in the Town's computer system.

Section 5-4-5 Software Copyright

The Town purchases and licenses various computer software for business purposes and does not own the copyright to this software or its related documentation. Employees may not reproduce such software or use it on more than one computer unless authorized to do so by the software license agreement. Employees with questions or concerns regarding the use of software or its related documentation should contact the Technology Services Department.

Section 5-4-6 Consequences of Prohibited Use

Any violation of this policy may result in disciplinary action, up to and including termination of employment.

POLICY 5-5 DISCIPLINE SYSTEM

Each supervisor shall have the responsibility and authority, with the approval of the Department Head and/or General Manager, to administer appropriate discipline to subordinates using a positive progressive discipline process as a corrective measure.

Section 5-5-1 Progressive Discipline

A. Progressive discipline is an employee disciplinary system that provides a graduated range of responses to employee performance or conduct problems. The Town's discipline system includes a series of increasingly severe disciplinary actions, ranging from verbal reprimand to termination. However, this does not mean that every step in the graduated range of disciplinary actions will occur in an ordered sequence in every case.

B. Progressive discipline is a general guideline for supervisors. The totality of the circumstances will dictate the appropriate level of discipline for each incident. Review of the particular facts and circumstances, such as the severity of the offense and an employee's disciplinary history, whether for the same type of offense or not, may indicate that more severe disciplinary measures, up to and including termination, are appropriate.

C. All employees are subject to termination when, in the sole opinion of management, an employee's job performance or conduct threatens the well-being of the Town, its employees or its citizens, regardless of whether progressive discipline steps have been administered.

Section 5-5-2 Applicability

A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Marana Town Code and these Personnel Policies and Procedures.

B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Marana Town Code and these Personnel Policies and Procedures. Unclassified employees and other at-will employees shall be held to acceptable standards of employee performance and conduct and may be subject to discipline; however, unclassified employees and other at-will employees do not have the same due process rights as those afforded to regular full- and part-time classified employees by this policy, Policy 4-6 and Policy 4-8.

Section 5-5-3 Types of Disciplinary Action

A. Verbal Reprimand: A verbal notice to the employee regarding a performance or conduct problem.

   1. The verbal reprimand shall be given to the employee in a private meeting. The supervisor may have an appropriate witness present during this meeting.

   2. The supervisor shall inform the employee that the supervisor is issuing a verbal reprimand, that the employee is being given an opportunity to correct the problem, and that if the problem is not corrected, the employee will be subject to more severe disciplinary action.

   3. A memorandum documenting the verbal reprimand shall be provided to the employee and included in the employee's official personnel file.

B. Written Reprimand: A written notice to the employee regarding a performance or conduct problem. A written reprimand may be issued if the initial measure of verbal reprimand was taken by the employee's supervisor, but did not correct the problem or if the infraction is severe enough to warrant a written reprimand as the first measure of discipline.

   1. The written reprimand shall be given to the employee and its contents shall be explained to the employee by the issuing supervisor in a private meeting. The supervisor may have an appropriate witness present during this meeting.

   2. Written reprimands should normally be issued within ten business days after the occurrence of the action requiring discipline or within ten business days of completion of any investigation of the occurrence, whichever is later.

   3. The original written reprimand shall be signed by the employee and placed in the employee's official personnel file. If the employee refuses to sign acknowledging receipt of the written reprimand, then the supervisor and one other witness shall note on the reprimand that the employee received a copy and refused to sign it. A copy of the written reprimand shall be given to the employee and included in the employee's department personnel file.

C. Suspension Without Pay: Involuntary time off with loss of pay. A suspension without pay may be issued for serious improper conduct or performance issues or after lesser measures of discipline have been issued but have failed to correct the employee's behavior or performance. The number of days of suspension will depend on the severity of the infraction, but shall not exceed 30 working days.

D. Demotion: A reassignment to a lower position classification. A demotion may be issued for serious improper conduct and/or consistent inability to meet job performance expectations. Demotion shall occur when the employee is either unwilling or unable to

perform the responsibilities of his or her position. Demotion is not a substitute for dismissal when dismissal is warranted.

1. Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Personnel Policies and Procedures are not considered to have been disciplined with a demotion. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the personnel action review procedures of this chapter.

E. Reduction in Pay: A reassignment to lower pay within the same position classification. A reduction in pay may be issued for serious improper conduct, flagrant violations of rules and regulations and/or consistent inability to meet job performance expectations. A reduction in pay is considered to be a final behavior correction opportunity.

1. No change in classification occurs as a result of a reduction in pay.
2. Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Personnel Policies and Procedures are not considered to have been disciplined with a reduction in pay. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the personnel action review procedures of this chapter.
3. Assignments, transfers or reassignments, including those to or from lead positions or special positions, are not considered a reduction in pay for purposes of these Personnel Policies and Procedures.

F. Termination: The involuntary, permanent removal of an employee from employment with the Town. The terms "termination" and "discharge" are sometimes used interchangeably in these Personnel Policies and Procedures. Termination does not include a layoff as defined in these Personnel Policies and Procedures. Termination may occur due to serious insubordination, theft, illegal or destructive acts while on the job, flagrant violation of Town policy or any other reason deemed appropriate by the Town Manager. Termination may also occur after repeated offenses of a less serious nature or for consistent inability to meet job performance expectations, if the employee's conduct has been documented and appropriate performance- and conduct-related changes have not resulted from previous progressive disciplinary action.

1. Employees serving in an initial evaluation period either as a new hire or in a promotional position are at-will employees as defined in these Personnel Policies and Procedures. As such, during the initial evaluation period, employment may be terminated at any time, with or without cause. The decision to terminate employment shall be made by the employee's Department Head and/or General Manager after consultation with and approval by the Human Resources Director.

The employee shall be notified in writing that he or she has failed to successfully complete the initial evaluation period. The decision to terminate employment during the initial evaluation period for either a new hire or an employee in a promotional position is not subject to review under the personnel action review procedures set forth in this chapter.

Section 5-5-4 Imposed Leave

A. A Department Head and/or General Manager may, after consultation with and approval by the Human Resources Director, place an employee on imposed leave with pay to remove an employee from the work site in order to allow the Town to investigate behavior that is suspected of being illegal, that is not in the best interests of the Town or that places other employees or citizens in jeopardy. Imposed leave shall ordinarily not exceed 21 calendar days. The Human Resources Director may authorize an extension or extensions when a comprehensive investigation will require more time to reach a conclusion.

B. If the investigation reveals employee misconduct, disciplinary action commensurate with the nature of the offense shall be taken. Such disciplinary action may include recovery of salary and benefits paid during the imposed leave.

C. If the investigation reveals no employee misconduct, the employee will be restored to duty and a letter of exoneration will be placed in the employee's official personnel file.

Section 5-5-5 Grounds For Disciplinary Action

A. A single serious infraction may result in termination. Such serious infractions include, but are not limited to, the following:

1. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements when applying for employment, lying to supervisors in connection with the employee's job, or falsifying time sheets or other payroll records.
2. Discrimination or failure to abide by Equal Employment Opportunity regulations, including sexual or other harassment of a protected class.
3. Reporting to work under the influence of alcohol or drugs or using such substances while on Town property.
4. Theft or removal of Town money, merchandise or property, including property in the custody of the Town, without permission.
5. Unauthorized or unlawful possession of firearms, other weapons or explosives in Town facilities or while on Town business.

6. Conviction of a criminal offense.
7. Acts of workplace violence, including violence or threats of violence in the workplace or against other employees or members of the public.
8. Other reasons deemed valid by Town officials.

B. Other grounds for disciplinary actions, up to and including termination, include, but are not limited to, the following:

1. Being absent from work without permission or failure to report to the supervisor, Department Head or General Manager when one is absent.
2. Being habitually absent or tardy for any reason.
3. Failure to follow the orders of one's supervisor(s).
4. Inability or unwillingness to perform the assigned job; failure to perform assigned work in an efficient or effective manner.
5. Participation in prohibited political activities.
6. Acceptance of fees, gifts or other valuable items in the performance of the employee's official duties for the Town.
7. Any action, on or off the job, bringing discredit to the Town.
8. Violation of any Town policies, administrative directives, or ordinances, or state or federal law.
9. Violating safety rules and regulations; being wasteful of material, property or working time; failure to observe proper security or safety procedures.
10. Two written reprimands or other disciplinary actions in a 24 consecutive month period.
11. Inability to get along with fellow employees so that the work being done is hindered and not up to required levels; speaking critically or making derogatory or false accusations so as to discredit other employees or supervisors.
12. The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a Town employee.
13. Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.
14. Divulging or misusing confidential information, including removal from Town premises without proper authorization of any employee lists, records, designs, drawings or confidential information of any type.

15. Improper use of the Town's electronic storage and communications equipment, as set forth in these Personnel Policies and Procedures and any administrative directives established by the Town Manager.
16. Such other act, error or omission detrimental to the mission of the Town.
17. Other reasons deemed valid by Town officials.

Section 5-5-6 Notice to Employee

A. An employee to whom this policy applies, as set forth in Section 4-5-2, shall receive 24-hour written notice whenever the Town intends to take a disciplinary action resulting in termination, reduction in pay, demotion or suspension without pay.

B. Notice under this section is not required for other types of actions including, but not limited to, verbal reprimands, written reprimands, imposed leave, layoffs, assignments, transfers or reassignments, including those to or from lead positions or special positions. Notice under this section is also not required for those employees to whom this policy does not apply, as set forth in Section 4-5-2.

C. The notice required under this section shall provide the following information:

1. Notice of the intended disciplinary action and the proposed date of implementation.
2. The reasons for the action.
3. The date and time, not less than 24 hours after the notice is given to the employee, of a pre-action meeting at which the employee may respond, verbally or in writing, to the written notice of intended disciplinary action.

D. The original notice of intended disciplinary action shall be signed by the employee and placed in the employee's official personnel file. If the employee refuses to sign acknowledging receipt of the notice, then the supervisor and one other witness shall note on the notice that the employee received a copy and refused to sign it. A copy of the notice shall be given to the employee and included in the employee's department personnel file.

E. Once an employee has been provided the notice required under this section, the employee may be placed on imposed leave under Section 4-5-4 pending the pre-action meeting.

Section 5-5-7 Pre-Action Meeting

A. The pre-action meeting is a meeting between the employee, the supervisor proposing the discipline and the Department Head. A Human Resources Department representative may also attend the meeting. The purpose of the meeting is to give the

employee the opportunity to respond, verbally or in writing, to the written notice of intended disciplinary action.

B. The employee may have a non-attorney co-worker of the employee's choosing present during the pre-action meeting. The co-worker may not speak on behalf of the employee and may only participate as an observer. The employee shall be permitted reasonable breaks of limited duration during the pre-action meeting to consult with the co-worker or others who are immediately available, telephonically or otherwise.

C. Any relevant information presented by the employee during the pre-action meeting regarding the proposed disciplinary action shall be considered by the supervisor and the Department Head.

D. Failure by the employee either to attend the pre-action meeting or to timely submit a written response to the notice of intended disciplinary action shall be deemed a waiver of the employee's right to do so and the proposed disciplinary action shall be implemented as written.

Section 5-5-8 Disciplinary Decision

After the pre-action meeting, the Department Head shall advise the employee in writing of the decision regarding the imposition of discipline. This decision will normally occur within ten business days of the pre-action meeting. The Human Resources Director may authorize an extension with good cause shown by the Department Head. A copy of the written disciplinary decision shall be included in the employee's official personnel file.

POLICY 5-6 FORMAL PERSONNEL ACTION REVIEW PROCEDURES

Section 5-6-1 Purpose

The Town of Marana provides formal personnel action review procedures as a means to ensure that employees receive fair and equitable treatment and to provide an orderly procedure for resolving disciplinary actions that are subject to formal appeal.

Section 5-6-2 Applicability

A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Marana Town Code and these Personnel Policies and Procedures.

B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Marana Town Code and these Personnel Policies and Procedures.

Section 5-6-3 Sole Remedy

This policy is the sole and exclusive internal remedy available to employees for resolving disciplinary actions that are subject to formal personnel action review, except that employees that are subject to the provisions of the memorandum of understanding between the Town of Marana and a designated public safety employee organization may have additional remedies under that MOU.

Section 5-6-4 Disciplinary Actions Subject to Formal Personnel Action Review

Only the following disciplinary actions shall be subject to formal personnel action review under this policy:

A. Termination

B. Reduction in pay

C. Demotion

D. Suspension without pay for more than 40 hours in a rolling 12-month period.

Section 5-6-5 Employment Actions Not Subject to Formal Personnel Action Review

Only the disciplinary actions specifically listed in Section 4-6-4 are subject to formal personnel action review under this policy. All other employment actions are not subject to formal personnel action review. The following is an illustrative, but not exhaustive, list of employment actions that are not subject to formal personnel action review under this policy.

A. Verbal reprimands, written reprimands and suspensions without pay for 40 hours or less in a rolling 12-month period.

B. Termination during the initial evaluation period for either a new hire or an employee in a promotional position.

C. Placement of an employee in, or the content or the structure of, the Town's classification plan.

D. Placement of an employee in, or the content or structure of, the Town's salary plan.

E. The content or structure of the Town's benefits programs.

F. An employee's performance evaluation.

G. Extension of an evaluation period.

H. Assignments, promotions, transfers or reassignments, including those to or from lead positions or special positions.

I. Municipal finance or budgetary issues.

J. Layoffs.

Section 5-6-6 Appeal to the Personnel Action Review Board (PARB)

A. To request formal appeal to the Town's Personnel Action Review Board (PARB), the employee must file a written appeal with the Human Resources Director within ten business days after the employee's receipt of a written disciplinary decision that is subject to formal appeal.

B. The appeal shall be on a form provided by the Human Resources Department.

C. Upon receipt of the employee's written appeal of a disciplinary decision that is subject to formal appeal, the Human Resources Director shall provide a copy of the appeal to the Town Manager, the Legal Department, the employee's Department Head and the PARB, by and through the PARB Chairperson.

D. If the Human Resources Director determines that the employment action is not subject to formal appeal under this policy, the Director shall so inform the employee in writing within five business days of receiving the employee's request for appeal.

Section 5-6-7 Scheduling of Hearing

A. Within 20 business days of the Human Resources Director's receipt of the employee's written appeal, the PARB, or the Human Resources Director in conjunction with the PARB Chairperson, shall set a date for a hearing.

B. The hearing should take place within 60 business days of the Human Resources Director's receipt of the employee's written appeal, unless the time is extended by the PARB, or unless the PARB is unable to hear the appeal within that time, or for other good cause.

C. In no event shall the hearing take place later than one year from the date the Human Resources Director receives the employee's written appeal.

D. Hearings shall be conducted at a mutually agreed upon time and place that affords a fair and reasonable opportunity for all persons entitled to be present to attend.

Section 5-6-8 Notice of Hearing

A. The Chairperson of the PARB, or the Human Resources Director at the direction of the PARB Chairperson, shall give written notice to the appealing employee and to the Town of the date, time and location of the hearing.

B. The appealing employee's notice shall include appropriate notification of any potential executive session under A.R.S. § 38-431.03(A)(1).

C. The notice of hearing shall be provided to the parties at least 15 business days before the scheduled hearing.

Section 5-6-9 Pre-Hearing Exchange of Information

A. Within ten business days before the hearing, the Town and the appealing employee shall disclose to each other a list of the witnesses each anticipates calling at the hearing and any documents each anticipates presenting to the PARB that have not previously been disclosed.

B. Within ten business days before the hearing, the Town and the appealing employee shall also disclose to each other the names, work addresses, and work telephone numbers of any individuals who will be acting as representatives for either party.

C. Either party may request to interview the other party's witnesses prior to the hearing. Witnesses listed by either party may decide whether they wish to be interviewed prior to the hearing at their own discretion. Neither the Town nor the appealing employee shall interfere with any decision of a witness regarding whether to be interviewed prior to the hearing.

D. The parties shall also comply with the provisions of A.R.S. § 38-1101 where applicable.

Section 5-6-10 Town Employee Witnesses

A. A Town employee who is listed as a witness by either party and who has been notified in writing of the date, time and location of the hearing and of his or her scheduled testimony, shall appear at the hearing as directed. An employee's intentional and willful failure to appear as directed will result in disciplinary action, up to and including termination.

B. The supervisor and/or Department Head of a Town employee directed to appear at a hearing as a witness shall allow the employee to attend the hearing as directed. A supervisor or Department Head who intentionally and willfully fails to allow an employee to attend a hearing pursuant to this policy shall be subject to disciplinary action, up to and including termination.

C. Neither party shall be required to issue a formal subpoena to a Town employee who is listed as a witness. Written notice to the employee is sufficient to require the employee to appear.

Section 5-6-11 Subpoenas

Pursuant to A.R.S. § 12-2212, any member of the PARB may issue subpoenas to compel the attendance of witnesses and/or the production of documentary evidence. If any person fails

to appear and/or produce a document in response to a duly issued subpoena, any member of the PARB may, by affidavit setting forth the facts, apply to the Superior Court for relief.

Section 5-6-12 Hearings before the PARB

A. General Rules

1. The appealing employee shall appear personally before the PARB at the time and place of the hearing, unless the employee is physically unable to do so.
2. The hearing shall be of sufficient duration to allow adequate time for the matter to be presented.
3. The appealing employee may be represented by any person or attorney (other than a PARB Member or a Town employee) who is willing to represent the employee and who is not a witness or otherwise involved in the matter.
4. The Town may also be represented by an attorney or other representative acting on the Town's behalf.
5. The PARB may be assisted by an attorney who is acceptable to the Town. The PARB attorney will remain the same through individual appeals. The Town and the PARB shall be represented by separate attorneys.
6. The parties are individually responsible for their own attorney's fees, except that a law enforcement officer, as defined in A.R.S. § 38-1001(4), may request reasonable costs and attorney's fees under the provisions of A.R.S. § 38-1004(C),
7. Each party may call witnesses who were disclosed to the other party pursuant to this policy and who are believed to be relevant. Each party is responsible for securing the attendance of his or her own witnesses. The Town will make Town employees available for the hearing, if the identity of the Town employee/witness is timely disclosed pursuant to this policy.
8. In the absence of good cause, no witnesses or documents shall be considered by the PARB that were not disclosed during the pre-hearing exchange of information unless the party offering the evidence can show that the evidence was newly discovered and could not have been timely discovered and disclosed in the exercise of reasonable diligence, that the evidence was promptly disclosed when discovered, and that the evidence is crucial.
9. The PARB may, at its discretion, exclude certain witnesses or documents even if timely disclosed if it finds such evidence to be irrelevant, cumulative, redundant, or overly inflammatory.
10. The hearing shall be limited to the specific cause(s) of the disciplinary action giving rise to the appeal.

11. The Town bears the burden of demonstrating just cause for the disciplinary action by a preponderance of the evidence.
12. The hearing shall be recorded by audio or video recorder, or by other mechanical or electronic means and/or by a court reporter.
13. The cost of a copy or copies of any transcription of the hearing, including preparation of the transcript, shall be paid by the party or parties ordering the copy or copies.
14. The appealing employee may submit a written request to the Human Resources Director to withdraw the appeal at any time prior to the decision by the PARB.

B. General Conduct of the Hearing

1. The Chairperson shall call the hearing to order, introduce all parties, summarize the issues and relief requested, outline the hearing sequence, and swear in all witnesses.
2. The hearing shall take place in a public meeting unless a majority of the members constituting a quorum of the PARB publicly vote to hold the hearing in executive session pursuant to A.R.S. § 38-431.03(A)(1).
3. The hearing shall take place in a public meeting if the appealing employee, upon receiving appropriate notice pursuant to A.R.S. § 38-431.03(A)(1) of the potential executive session, demands in writing that the hearing take place in public.
4. If the hearing takes place in a public meeting, the PARB may, upon a public majority vote of the members constituting a quorum of the PARB, hold an executive session at any time for the purposes listed in A.R.S. § 38-431.03(A)(1), (2) and/or (3).
5. The hearing is informal and the technical rules of evidence shall not apply. The Chairperson shall preside over the hearing in such a manner as will best ensure the receipt of reliable evidence and fairness for the parties within the general guidelines of these procedures. The Chairperson shall maintain appropriate decorum throughout the conduct of the hearing. The decisions of the Chairperson on the conduct of the hearing shall be final, unless overruled by a majority of the members constituting a quorum of the PARB.
6. If the hearing is held in a public meeting, the PARB may, and at the request of either party shall, exclude prospective witnesses from the hearing during opening statements and the testimony of other witnesses. If witnesses are excluded from the hearing under this paragraph, the Chairperson shall also direct the witnesses not to communicate with each other until the closing arguments of both parties have concluded.
7. If the hearing is held in executive session, attendance at the hearing is limited to the appealing employee, the responsible Department Head or designee (who may be the

supervisor who is directly involved in the matter), each party's attorney or representative, the PARB members, the attorney for the PARB, any Human Resources Department staff needed to assist the PARB with administrative tasks, and each witness during his or her testimony. The Chairperson shall instruct each person present at the executive session that discussions and testimony made at executive session shall be kept confidential.

C. Default Decision

If, after receiving proper notice, the appealing employee or responsible Department Head or designee fails to attend or participate in the hearing within fifteen minutes of the time set for the hearing, the PARB may enter a default against the party failing to appear. The PARB may reconsider a default decision upon a party's submission to the PARB of proof of exigent circumstances within ten calendar days of the default decision.

D. Statements and Questioning of Witnesses

1. The Town or its representative may make an opening statement.
2. The appealing employee or the employee's representative may then make an opening statement. The employee or representative may reserve his or her opening statement until the close of the Town's evidence.
3. The Town shall present its case first, calling witnesses and presenting its evidence to establish the reasons for the employment action that is the subject of the appeal.
4. The appealing employee or the employee's representative may ask questions of the Town's witnesses after the Town has completed the questioning of each witness.
5. The Town may then ask further questions of the its witness, limited to those areas raised in the appealing employee or representative's questioning of the witness.
6. After the Town's witness testifies and the appealing employee or representative and PARB members have had an opportunity to ask questions, the witness will be dismissed.
7. When all witnesses of the Town have been heard, the appealing employee/representative will present his/her witnesses and evidence in the same format. The Town may ask questions of the employee's witnesses after the appealing employee/representative has completed questioning the witness. The appealing employee/representative may then ask further questions of the witness, limited to those areas raised in the Town's questioning of the witness.
8. Rebuttal witnesses may be permitted to testify as the PARB determines appropriate.
9. PARB members may ask questions of a witness at any time.

10. After all witnesses have been questioned, the Town may make a closing argument. The appealing employee or representative may then make a closing argument. Because the Town has the burden of supporting its decision, the Town may make a second closing argument in rebuttal to the employee's closing argument.
11. Because the Town has the burden of supporting its decision, the appealing employee and/or representative will not be permitted to make a second closing argument.

Section 5-6-13 Submission to the PARB

A. If the hearing was held in a public meeting, the PARB may, upon a public majority vote of the members constituting a quorum of the PARB, vote to go into executive session pursuant to A.R.S. § 38-431.03(A)(1) for deliberations, unless the appealing employee requests that the deliberations take place in a public meeting. If the appealing employee so requests, any deliberations shall take place in a public meeting. However, the PARB may, upon a public majority vote of the members constituting a quorum of the PARB, vote to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the attorney for the PARB.

B. If the hearing was held in executive session pursuant to A.R.S. § 38-431.03(A)(1), after all the evidence has been submitted and closing arguments have been made, the parties and their representatives shall be excused and the PARB shall then deliberate in private, unless the appealing employee requests that the deliberations take place in a public meeting. If the appealing employee so requests, any deliberations shall take place in a public meeting. However, the PARB may, upon a public majority vote of the members constituting a quorum of the PARB, vote to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the attorney for the PARB.

Section 5-6-14 Findings of the PARB

A. Following deliberation, whether in a public meeting or in executive session, the PARB shall render its findings regarding the disciplinary action via a public majority vote of the members constituting a quorum of the PARB. The voting shall be by roll call.

B. The findings of the PARB shall be in the form of an advisory opinion to the Town Manager. The PARB may recommend that the disciplinary action be upheld, overturned or modified.

C. Within ten business days of the conclusion of the hearing, the PARB shall provide a written advisory opinion to the Town Manager. The opinion shall include the recommendation of the PARB regarding the disciplinary action and the reasons for the recommendation. The advisory opinion shall also be distributed to the appealing employee, the Human Resources Director and the employee's Department Head.

Section 5-6-15 Decision of the Town Manager

A. Within ten business days of receipt of the written advisory opinion of the PARB, the Town Manager shall render a written decision regarding the disciplinary action being appealed. The Town Manager may accept, modify or reverse the recommendation of the PARB. The Town Manager's written decision shall be distributed to the appealing employee, the employee's Department Head and the Human Resources Director.

B. In reaching a decision, the Town Manager shall review the evidence and testimony presented to the PARB and his or her decision shall be based upon the official record of the proceedings before the PARB. The Town Manager may seek legal advice during deliberation from an attorney or attorneys representing the Town; however, the Town Manager may not consult with any attorney who participated as an advocate for the Town during the proceedings before the PARB or who acted as the attorney for the PARB.

C. If the Town Manager modifies or reverses the recommendation of the PARB, the Town Manager shall state in writing his or her reasons for modification or reversal.

D. All decisions of the Town Manager are final and not appealable within any Town process.

Section 5-6-16 Back Pay, Reasonable Costs and Attorney's Fees

A. If the Town Manager modifies or reverses the disciplinary action, the appealing employee shall receive back payment for wages and benefits lost, if any, as a result of the disciplinary action, subject to reduction for any wages actually earned by the employee during the time period in question, including any unemployment compensation that is not subject to repayment by the employee.

B. If the Town Manager modifies or reverses the disciplinary action, a law enforcement officer to whom the provisions of A.R.S. § 38-1004(C) apply, may also make written request to the PARB for reasonable costs and attorney's fees pursuant to the provisions of that statute. If necessary, the PARB may set a hearing to make findings as to the amount of the costs and attorney's fees, if any, to award to the appealing employee.

C. Any hearing regarding costs and attorney's fees shall take place within 20 business days of the Town Manager's written decision and shall be conducted in compliance with the rules set forth in this policy.

D. Within five business days of any hearing regarding costs and attorney's fees, the PARB shall render a written advisory opinion to the Town Manager. The opinion shall include the recommendation of the PARB regarding costs and attorney's fees and the reasons for the recommendation. The advisory opinion shall also be distributed to the appealing employee, the Human Resources Director and the employee's Department Head.

E. Within five business days of receipt of the written advisory opinion of the PARB, the Town Manager shall render a written decision regarding costs and attorney's fees. The Town Manager may accept or reject the recommendation of the PARB. The Town Manager's written decision shall be distributed to the appealing employee, the employee's Department Head and the Human Resources Director.

F. The decision of the Town Manager is final and not appealable within any Town process.

G. Any award of costs and attorney's fees to a law enforcement officer shall be in compliance with the provisions of A.R.S. § 38-1004(C).

Section 5-6-17 Miscellaneous Rules of Appeals

A. After an issue has been initially presented for review, neither party may, without good cause, add new allegations at a subsequent step.

B. Time limits provided in these procedures may be extended to a date certain by mutual written agreement of the Town and the appealing employee.

C. In the absence of good cause, the employee's failure to timely pursue any step in the appeal process shall result in the termination of the appeal process and the dismissal of any appeal, and the employment action shall stand.

D. No discipline, retaliation, or threats of retaliation shall be taken against any employee, representative, witness or other participant, whether testifying or not, in these personnel action review procedures because of such participation. Such discipline, retaliation or threats of retaliation constitute grounds for disciplinary action, up to and including termination.

E. All information obtained during the processing of a request for personnel action review will be maintained confidentially to the extent permitted by law. Information may be released pursuant to a public records request under the Arizona public records law, A.R.S. § 39-121 *et seq.*

F. An employee seeking personnel action review under these procedures may be granted up to one hour of work time per day to spend preparing for his or her hearing before the PARB.

G. For pay and benefits purposes, time spent by employees in discussions with management or in testifying before the PARB is considered time worked.

H. Disciplinary actions subject to formal personnel action review may be resolved or settled at any step in the process. The request for formal personnel action review shall be processed until the employee is satisfied, the employee does not file a timely appeal, as defined in this policy, or a decision has been made in the final step.

I. Upon reversal of the decision at any step in the formal personnel action review process, the successful employee may recover any wage and/or benefits losses incurred from the effective date of the disciplinary action pursuant to the provisions of this policy.

POLICY 5-7 PERSONNEL ACTION REVIEW BOARD (PARB)

Section 5-7-1 Composition and Officers

A. The Town of Marana Personnel Action Review Board (PARB) shall be composed of five members, all of whom shall be residents of the Town of Marana.

B. At its first regular meeting, and each year thereafter, the PARB shall select a Chairperson and Vice-Chairperson from its members.

Section 5-7-2 Appointment of PARB Members

A. PARB members shall be appointed by the Town Council pursuant to applicable Town Code provisions.

B. Preference shall be given to applicants who have human resources and/or personnel management experience.

Section 5-7-3 PARB Member Orientation

Upon the appointment of any new PARB member(s), the Human Resources Director shall schedule and conduct an orientation session. The purpose of the orientation session shall be to familiarize the PARB members with these Personnel Policies and Procedures and with their roles and responsibilities as PARB members.

Section 5-7-4 PARB Member Terms

A. The first PARB members appointed after the effective date of this policy shall serve the following terms:

   1. Three PARB members shall serve terms of four years.

   2. Two PARB members shall serve initial terms of two years.

B. Thereafter, the term of office for each PARB member shall be four years

Section 5-7-5 Removal of PARB Members

Notwithstanding the PARB member terms set forth in this policy, the Town Council, by a majority vote of its members constituting a quorum, may remove any PARB member with or without cause.

Section 5-7-6 Replacement of PARB Members

If it becomes necessary to replace a PARB member at any time, the Human Resources Director shall ensure that an appropriate replacement is selected in accordance with this policy and applicable Town Code provisions. A replacement PARB member shall finish the original term of the PARB member being replaced.

Section 5-7-7 Appeal Hearings

A. When an appeal hearing is scheduled in accordance with the provisions of this chapter, the PARB Chairperson, or the Human Resources Director with the concurrence of the PARB, shall designate three PARB members to hold the hearing and take testimony.

B. If the PARB Chairperson is not among the members holding the hearing, the Vice-Chairperson shall serve as the Chairperson for that hearing. If neither the PARB Chairperson nor Vice-Chairperson are among the members holding the hearing, the PARB members holding the hearing shall select one of their members to serve as Chairperson for that hearing.

C. A PARB member shall be disqualified from serving on the PARB for a specific appeal hearing under any of the following circumstances:

   1. The PARB member is a witness to or is otherwise personally involved in the matter on appeal to the PARB.

   2. The PARB member is related either by blood or marriage to, or has a similar personal relationship or friendship with, the appealing employee, the appealing employee's supervisor, the appealing employee's Department Head, either party's representative or any person listed as a witness by either party.

D. The Human Resources Director shall, in conjunction with the PARB Chairperson, make a determination as to whether a PARB member shall be disqualified for a specific appeal hearing.

E. A PARB member may request to be excused from serving on the PARB for a specific appeal hearing due to extenuating personal circumstances or unavailability. The PARB member shall submit such a request to the Human Resources Director who shall, in conjunction with the PARB Chairperson, make a determination as to whether the PARB member shall be excused for the appeal hearing in question.

F. If a PARB member is disqualified or excused from an appeal hearing, that disqualification or excuse shall only apply to the specific appeal hearing in question.

G. The three PARB members designated to serve for a specific appeal hearing shall serve for that entire appeal hearing.

Section 5-7-8 Special Appointment of PARB Members

If at any time there is an insufficient number of eligible PARB members to conduct an appeal hearing, the Town Council may appoint pro-tem members as needed to ensure appropriate representation on the PARB as described in this policy.

Section 5-7-9 Voluntary Capacity

All PARB members serve in a voluntary capacity. PARB members shall not be compensated nor shall they receive any benefits from the Town for their service on the PARB.

Section 5-7-10 Meetings of the PARB

A. The PARB may hold regular meetings at its discretion, but shall meet at least once annually at such time and place within the Town as is designated by the PARB Chairperson in conjunction with the Human Resources Director.

B. The PARB may hold special meetings upon the call of the Chairperson or a majority of the members of the PARB.

C. The Human Resources Director shall act as secretary to the PARB, shall keep its minutes and records of its work and shall assist the PARB in scheduling meetings and hearings. The Human Resources Director shall provide staff as needed to assist the PARB with any administrative tasks and to carry out its meeting functions.

D. A majority of the members of the PARB shall constitute a quorum for the transaction of business. Any decision of the PARB shall require the majority vote of the members constituting a quorum of the PARB.

E. Meetings, including appeal hearings, shall be properly noticed and conducted in accordance with Arizona's open meeting laws, A.R.S. § 38-431 *et seq.*, and such operational rules and procedures as shall be adopted by the PARB.

F. Meetings, including appeal hearings, shall be recorded and accurate minutes, prepared to comply with the requirements of the open meeting law, shall be approved by the PARB and forwarded to the Town Clerk. Minutes of executive sessions shall be maintained confidentially and shall be disclosed only in compliance with the open meeting law.

G. The PARB may be assisted by the PARB attorney at any meeting of the PARB.

POLICY 5-8 INFORMAL PERSONNEL ACTION REVIEW PROCEDURES

Section 5-8-1 Purpose

The Town of Marana provides informal personnel action review procedures as a means to ensure that all employees receive fair and equitable treatment and have recourse to seek review of disciplinary actions that are not subject to formal personnel action review.

Section 5-8-2 Applicability

A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Marana Town Code and these Personnel Policies and Procedures.

B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Marana Town Code and these Personnel Policies and Procedures.

Section 5-8-3 Sole Remedy

This policy is the sole and exclusive internal remedy available to employees for resolving disciplinary actions that are not subject to formal personnel action review.

Section 5-8-4 Disciplinary Actions Subject to Informal Personnel Action Review

Only the following disciplinary actions shall be subject to informal personnel action review under this policy:

A. Verbal reprimands

B. Written reprimands

C. Suspensions without pay for 40 hours or less in a rolling 12-month period.

Section 5-8-5 Informal Personnel Action Review Steps

A. Step One

1. To request review of a disciplinary action that is subject to informal review under this policy, the employee must file a written request for review with the supervisor who issued the discipline within ten business days of the date the employee receives notice of the disciplinary action.

2. The request for review shall be on a form provided by the Human Resources Department.

3. Within five business days of the supervisor's receipt of the employee's request for review, the supervisor shall provide a written response to the employee on the form provided.
4. If the Department Head is the supervisor who issued the disciplinary action, then the informal review process ends at this step. The Department Head's decision is final.

B. Step Two

1. If the procedure in Step One does not resolve the issue to the employee's satisfaction and does not involve a final decision of the Department Head, the employee may request review of the disciplinary action by filing the written request for review, on the form provided, with the next level manager, if any. The employee must file the request for review within five business days of receipt of the supervisor's written response. The request for review must include a written response to the supervisor's comments, indicating the areas of disagreement with the supervisor's comments and a proposed solution.
2. Within five business days of the manager's receipt of the employee's request for review, the manager shall provide a written response to the employee on the form provided.
3. If there is no next level manager between the supervisor issuing the discipline and the Department Head, the employee may proceed directly to Step Three.

C. Step Three

1. If the procedure in Step Two does not resolve the issue to the employee's satisfaction, the employee may request review of the disciplinary action by filing the written request for review, on the form provided, with the Department Head. The employee must file the request for review within five business days of receipt of the manager's written response. The request for review must include a written response to the manager's comments, indicating the areas of disagreement with the manager's comments and a proposed solution.
2. Within five business days of the Department Head's receipt of the employee's request for review, the Department Head shall provide a written response to the employee on the form provided.
3. All decisions of the Department Head pursuant to this policy are final and not appealable within any Town process.

Section 5-8-6 General Rules

A. In the absence of good cause, the employee's failure to timely pursue any step in the review process shall result in the termination of the review process and the employment action shall stand.

B. If a supervisor or manager does not respond to the employee within the time allotted by this policy, the employee may proceed to the next step in the process.

C. No discipline, retaliation, or threats of retaliation shall be taken against any employee as a result of the employee's participation in this review process. Such discipline, retaliation or threats of retaliation constitute grounds for disciplinary action, up to and including termination.

D. Disciplinary actions subject to informal personnel action review may be resolved or settled at any step in the process. The request for informal personnel action review shall be processed until either the employee is satisfied, the employee does not file a timely appeal, as defined in this policy, or a decision has been made in the final step.

E. Upon reversal of the decision at any step in the informal personnel action review process, the successful employee may recover any wage and/or benefits losses incurred, from the effective date of the disciplinary action pursuant to the provisions of this policy.

F. The employee may have a non-attorney co-worker of the employee's choosing as a representative at any step in the review process. The co-worker may not speak on behalf of the employee and may only participate as an observer. The employee shall be permitted reasonable breaks of limited duration during any step in the review process to consult with the co-worker or others who are immediately available, telephonically or otherwise.

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CHAPTER 6

PERFORMANCE MANAGEMENT AND EMPLOYEE DEVELOPMENT

POLICY 6-1 PERFORMANCE MANAGEMENT

The Town's performance management program relies on a system of establishing goals, strategies and performance benchmarks for the organization and then identifying how individual and team efforts contribute to the overall achievement of Town strategic objectives. Each employee is an important part of the Town's overall success in its mission to serve the citizens of Marana. An employee's performance is directly linked to his or her compensation. The Town Manager is responsible for establishing a systematic process for the ongoing evaluation of organizational and employee performance. At a minimum, this system will link to Town-wide goals and strategies, set appropriate expectations, share ongoing and timely feedback, provide opportunities for coaching and distinguish between levels of performance. The Human Resources Director shall be responsible for ensuring implementation of an employee performance management system.

Section 6-1-1 Initial Evaluation Period

The initial evaluation period is a period of time constituting the final step in the screening process for appointment to a regular full- or part-time classified position. Employees shall be evaluated at least once during their initial evaluation period; however, managers and supervisors are encouraged to evaluate employees more often to provide ongoing feedback.

A. Except for employees in the Police Department as otherwise provided in this section, all full- and part-time employees hired in a classified position, laterally transferred to a classified position in a different classification title or in a different department than the employee was in prior to transfer, or demoted or promoted from one classified position to another shall serve in an initial evaluation period for six months from the date of hire, transfer, demotion or promotion. However, an employee laterally transferred or demoted will not be required to complete an initial evaluation period in the new position if the employee has previously completed an initial evaluation period in the same classification and in the same department, or if the lateral transfer or demotion is due to a Town-initiated reorganization or restructuring.

B. All full- and part-time employees hired in a classified position in the Police Department, laterally transferred within the Police Department to a classified position in a different classification title than the employee occupied prior to transfer or demoted or promoted from one classified position in the Police Department to another, shall serve in an initial evaluation period for 12 to 16 months from the date of hire, transfer, demotion or promotion as provided in this section, except that a laterally transferred or demoted employee will not be required to complete an initial evaluation in the new position if the employee has previously completed an initial evaluation period in the same classification within the Police Department, or if the lateral transfer or demotion is due to a Town-initiated reorganization or restructuring.

1. Newly hired civilian employees, laterally transferred civilian and Arizona Peace Officer Standards and Training (AZPOST)-certified employees who are required to serve in an initial evaluation period, and promoted civilian and AZPOST-certified employees in classified positions in the Police Department shall serve in an initial evaluation period for 12 months from the date of hire, transfer or promotion. Demoted civilian and AZPOST-certified employees in classified positions in the Police Department who are required to serve in an initial evaluation period shall serve in an initial evaluation period for 12 months from the date of demotion.
2. Newly hired employees who will begin their employment with the Town by attending a police academy shall serve in an initial evaluation period for 16 months from the date of hire.

C. Notwithstanding the provisions of this section, an employee who is demoted, promoted or transferred due to a reclassification of a position and who has been performing the duties of the reclassified position for six months or longer prior to the reclassification, will not be required to complete an initial evaluation period in the reclassified position.

D. Employees who are required to complete an initial evaluation period pursuant to this section will not be considered finally appointed to a full- or part-time classified position until successful completion of the initial evaluation period. Successful completion of the initial evaluation period is evidenced by a satisfactory or higher rating on a performance assessment document which must be completed and reviewed at least one week prior to the date that the employee's initial evaluation period is scheduled to conclude. Notwithstanding the one-week time frame discussed in this paragraph, managers and supervisors shall review and discuss performance deficiencies with employees as soon as possible to allow the employee the opportunity to correct the deficiencies prior to the completion of the initial evaluation period. Employees serving in an initial evaluation period of 16 months shall be evaluated at least two times during the initial evaluation period, once at 12 months and once at the scheduled conclusion of the initial evaluation period. The Human Resources Department is responsible for maintaining records of employee appointments and promotions and the duration of initial evaluation periods. Department heads or the chain of authority above the level of Department Head, where applicable, are responsible for ensuring that training, informal feedback about performance, and formal performance assessments are completed in a timely manner during the initial evaluation period.

E. Employees serving in an initial evaluation period are at-will employees as defined in these Personnel Policies and Procedures. As such, during the initial evaluation period, employment may be terminated at any time, with or without cause. The decision to terminate employment shall be made by the employee's Department Head or the chain of authority above the level of Department Head, where applicable, after consultation with and approval by the Human Resources Director. The employee must be notified in

writing that he or she has failed to successfully complete the initial evaluation period prior to the conclusion of the initial evaluation period. If the employee is not notified of unsuccessful completion prior to the conclusion of the initial evaluation period, the employee will be considered to have successfully completed the initial evaluation period. The decision to terminate employment during the initial evaluation period is not subject to appeal under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures

F. Notwithstanding that an employee serving an initial evaluation period as a lateral transfer or due to a promotion is an at-will employee, the employee who does not successfully complete the initial evaluation period in a transfer or promotion may be restored to his or her former position. Such restoration is not mandatory, but is optional at the discretion of the Town and within the limits of available authorized positions. If an employee is restored to his or her former position, restoration shall include restoration of the employee's former pay and all other benefits to which he or she would have been entitled if the transfer or promotion had not occurred, except that any compensatory time that was paid out to an employee who transferred or promoted into an exempt position will not be restored if the employee returns to a non-exempt position.

Section 6-1-2 Extension of the Initial Evaluation Period

The Town may extend an employee's initial evaluation period if it is determined that more time is necessary to evaluate the performance of the employee. All extensions of the initial evaluation period shall be approved by the Department Head or the chain of authority above the level of Department Head, where applicable, and the Human Resources Department. The employee shall receive a written notice of the extension no later than the last day of the initial evaluation period. If the employee is unavailable to receive such a notice in person, the Town shall send a letter to the last known address of the employee on file with the Human Resources Department. In either case, the date of the letter shall be deemed the effective date of the notice. A copy of the notice of extension will be forwarded to the Human Resources Department for inclusion in the employee's personnel file. Under no circumstances may the total time for the initial evaluation period exceed 24 months. The initial evaluation period may be extended under, but not limited to, the following circumstances.

A. The employee has had a leave of absence during the initial evaluation period that exceeds 15 calendar days.

B. The employee's performance is not satisfactory, but the Department Head believes that with more time and supervision the employee may succeed in the position. In such cases, the Department Head shall develop a documented plan of action for improvement.

C. Supervisor continuity is interrupted during the initial evaluation period.

D. The work assigned to the employee's position is cyclical and the initial evaluation period did not provide an opportunity to adequately evaluate all aspects of an employee's performance.

Section 6-1-3 Performance Management Process

A. Classified employees who have completed the initial evaluation period shall receive feedback regarding their performance on a regular basis as directed by the Town Manager, and a formal performance assessment document shall be completed at least once per year. This assessment shall be for the performance period covering the prior fiscal year, beginning on July 1 and ending on June 30.

B. Department Heads or the chain of authority above the level of Department Head, where applicable, and supervisors shall recommend an appropriate performance assessment rating based on the Town's pay for performance guidelines.

C. Opportunities for adjustments to pay based on performance are established by the Town Council each year as part of the annual budget process. The amount of funds available for performance based increases is subject to economic conditions and the Town's ability to pay.

D. If an employee disagrees with his or her annual performance assessment document, the employee may request a meeting to discuss the assessment with the Department Head within three working days of the employee's receipt of the performance assessment document. If the Department Head prepared the employee's performance assessment document, the employee may request a meeting with the appropriate person in the chain of authority above the level of Department Head within the three-day time period. After the meeting, if the employee continues to disagree with the performance assessment document, the employee may submit a written rebuttal which will be filed in the employee's personnel file in the Human Resources Department. Performance assessments are not subject to appeal under the personnel action review procedures set forth in Chapter 5 of these Personnel Policies and Procedures.

E. The final employee performance evaluation and the employee's written rebuttal, if any, shall become a permanent part of the employee's official personnel file and will remain filed for the length of time required by law.

POLICY 6-2 EDUCATION ASSISTANCE

The Town of Marana may provide education assistance in the form of tuition reimbursement to eligible employees.

Section 6-2-1 Purpose

The Town of Marana recognizes that the skills and knowledge of its employees are critical to the success of the organization. The education assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the Town.

Section 6-2-2 Budget Appropriation and Capacity

A. The education assistance program is subject to any limitations imposed by the Town's budget appropriations and capacity and the availability of funds. If the Town Council is unable to appropriate sufficient funds for the program, the Town shall be under no obligation to provide tuition reimbursement to employees.

B. Available funds shall be disbursed to eligible employees on a first-come, first-served basis for any given fiscal year. Once available funds in a fiscal year are expended, no further reimbursement to employees will occur.

Section 6-2-3 Reimbursement

A. Employees approved for participation in the education assistance program shall receive reimbursement from the Town for 75 percent of approved tuition costs, as defined by this Policy. The employee shall be responsible for any remaining balances.

B. The maximum assistance available to any one employee is $5,000 per fiscal year.

C. The employee shall be responsible for all other expenses, including, but not limited to, books, supplies, parking, and application and registration fees.

Section 6-2-4 Eligibility for Participation

A. All regular full-time employees with satisfactory work and attendance records who have successfully completed the initial evaluation period are eligible to participate in the education assistance program.

B. Employees who receive grants, scholarships, or veteran's benefits that cover tuition costs are eligible to participate, but the Town will only reimburse the employee for those tuition costs that are not covered by these external funds.

C. Only courses that begin after a new employee's initial evaluation period ends will be eligible for reimbursement.

D. Employees participating in the program must earn a grade of "C" or higher in graded courses or a grade of "pass" in pass/fail courses in order to remain eligible. Employees shall provide proof of satisfactory grades in the form of an original grade report or

transcript to the Human Resources Department within 45 calendar days of the completion of each course.

Section 6-2-5 Criteria for Approval

A. All courses shall be directly related either to the employee's present job or to a position within the Town to which the employee could logically progress in the future or a part of a planned program leading to an undergraduate or graduate degree in a field that has applicability to Town business (e.g., accounting, engineering, criminal justice).

B. All courses shall be taken on the employee's own time, during off duty hours.

C. All courses shall be taken at accredited colleges, universities or community colleges or at Town-approved vocational and trade schools.

Section 6-2-6 Application and Reimbursement Procedures

A. Employees shall complete a tuition reimbursement application, available through the Human Resources Department, before registering for any courses.

B. All applications must have the prior approval of the employee's Department Head, as indicated by the Department Head's signature on the application.

C. Applications shall be reviewed and approved or disapproved by the Human Resources Director or designee and the Town Manager or designee. Employees shall not be reimbursed for any courses enrolled in prior to receiving written confirmation of approval from the Town Manager or designee.

D. If the application is approved, employees must submit a completed request for reimbursement, along with proof of satisfactory grade(s), within 45 calendar days of the completion of each course. Failure to submit the completed request as required within the time limit shall result in disqualification for tuition assistance.

E. Requests for reimbursement shall be reviewed by the Human Resources Director and then routed to the Town Manager or designee. Upon final approval of the request for reimbursement by the Town Manager or designee, reimbursement shall be distributed to the employee.

F. The approval of an employee's participation in the education assistance program is not a guarantee that the employee will receive reimbursement. Reimbursement is based upon the employee's continued satisfactory work performance.

Section 6-2-7 Termination of Employment

A. Employees participating in the education assistance program who separate from Town employment for any reason within 12 months of receiving reimbursement shall be required to repay the Town the full amount of the reimbursement.

B. The amount of repayment to the Town shall be withheld from the employee's final paycheck.

C. If the amount of the employee's final paycheck is not sufficient to cover the cost of repayment to the Town, the employee shall be required to reimburse the Town for the amount due at the time of termination.

POLICY 6-3 TOWN-SPONSORED AND REQUIRED TRAINING

It is the policy of the Town to encourage and coordinate training opportunities for employees and supervisors to enhance the efficiency and effectiveness of Town services.

Section 6-3-1 Definition

For purposes of this policy, "training" is defined as any work-related seminar, conference, convention or workshop attended by an employee when registration and expenses are funded in whole or in part by the Town

Section 6-3-2 Procedures

A. The employee's Department Head must approve attendance at training programs within the state prior to registration by the employee.

B. The Town Manager or designee must approve attendance at training programs out-of-state prior to registration by the employee.

C. Town-sponsored and required training shall generally be arranged during regularly scheduled work hours. A Department Head may change the standard work hours of an employee to accommodate or require attendance at training activities. Required training shall be considered hours worked.

D. Employees who acquire training on their own time and expense are encouraged to notify the Human Resources Department so the information can be noted in the employee's personnel file. A copy of any certificates awarded should be forwarded for inclusion in the employee's personnel file.

E. The Human Resources Department shall maintain an employee training history and shall periodically audit training attendance and policy compliance.

POLICY 6-4 SPECIAL LICENSES AND MEMBERSHIP FEES

Membership in outside organizations shall be in the name of the Town, if possible.

Section 6-4-1 As a Condition of Employment

A. The Town will pay the current annual dues or fees for each employee who is required to be a member of a professional organization or who must maintain current a particular certification or license as a condition of employment.

B. The employee must present a dues statement or other verification of the amount due to his or her Department Head. Payment will be made upon approval by the Department Head.

C. Whenever possible, the Town will pay the dues or fees directly to the professional organization or licensing agency on behalf of the employee. If the Town cannot pay the dues or fees directly to the professional organization, the Town will make a lump sum payment to the employee in the amount of the current annual dues or fees.

Section 6-4-2 As a Condition of Professional Growth

A. Employees who belong to professional organizations that are not required as a condition of employment, but that promote individual professional growth, competence and effectiveness in functioning as Town employees are encouraged to attend local, state and national meetings subject to approval by the Department Head and budgetary limitations.

B. Payment of dues and fees for these non-mandated organizations is the responsibility of the individual employee unless approved for Town payment by the Town Manager.

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CHAPTER 7

SAFETY AND HEALTH

POLICY 7-1 SAFETY AND LOSS MANAGEMENT

The Town is committed to providing a safe and healthy working environment. In this connection, the Town makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies and programs conducive to such an environment. The Town's policy is aimed at minimizing the exposure of its employees and visitors to its facilities to health or safety risks.

Section 7-1-1 Employee Support for Safe Work Practices

A. All employees are expected to work diligently to maintain safe and healthy working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

B. The responsibilities of all employees in this regard include:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
3. Reporting unsafe conditions, equipment or practices to supervisors;
4. Using safety equipment provided by the Town at all times;
5. Observing conscientiously all safety rules and regulations at all times;
6. Notifying their supervisor, before the beginning of the work day, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their co-workers; and
7. Participating in appropriate safety training.

Section 7-1-2 Safety Coordinator

The Town designates a full-time employee as its Safety Coordinator. The Safety Coordinator, along with the Town Manager, Department heads, supervisors and Human Resources staff, will monitor and encourage compliance with safety and loss prevention programs, including education and training.

Section 7-1-3 Evaluation of Safety Performance

Employees are rated on appropriate safety performance as part of their performance evaluation.

Section 7-1-4 Use of Town Equipment and Vehicles

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action up to and including termination of employment.

POLICY 7-2 [RESERVED]

POLICY 7-3 NO SMOKING

Smoking is prohibited throughout the Town's buildings and immediate workplace and in Town vehicles. This policy applies equally to all employees and visitors.

Section 7-3-1 Smoking Areas

Employees who smoke may do so outside of the Town buildings in the properly designated areas.

Section 7-3-2 Smoking Breaks

Smoking breaks shall normally be limited to the same number of breaks that other Town employees receive. The immediate supervisor may limit smoking breaks, particularly if they interfere with work.

Section 7-3-3 Smoking Cessation

Employees who smoke but who want to quit to should contact Human Resources staff for information on possible medical insurance carrier and community resources, literature or smoking cessation programs that may be available.

POLICY 7-4 VIOLENCE IN THE WORKPLACE

Section 7-4-1 Consequences of Prohibited Conduct

Any threats or acts of violence made by an employee against another person's life, health, well-being, family or property are entirely unacceptable and are cause for immediate dismissal, even for a first offense. This policy holds for any threats made on Town property, at Town events or under other circumstances that may negatively impact the Town's ability to conduct its business.

Section 7-4-2 Infringement on Safe Workplace

A. Acts or threats of violence, whether made directly or indirectly, explicitly or implied, by words, gestures or symbols, infringe upon the Town's right or obligation to provide a safe workplace for its employees and are prohibited.

B. Possession of firearms, explosives or weapons not authorized by the Town are considered threats of violence and is prohibited. The consequences of such prohibited possession is disciplinary action, up to and including immediate discharge.

Section 7-4-3 Complaint Procedure

Any employee who believes that he or she has been, is or may be the target of threats or acts of violence or has witnessed or otherwise learned of violent conduct by another employee or by a third party, should contact a supervisor, Department Head, Human Resources Director or Police Department immediately.

POLICY 7-5 DRUG- AND ALCOHOL-FREE WORKPLACE

It is the policy of the Town of Marana that its employees be free of substance and alcohol abuse. Consequently, the use of illegal drugs by employees is prohibited. Further, employees shall not use alcohol during work hours or engage in "prohibited conduct" as defined in this policy. The overall goals of this policy are to ensure a drug-free and alcohol-free work environment and to reduce accidents, injuries and fatalities.

Section 7-5-1 Consequences of Prohibited Conduct

Illegal drug use, alcohol abuse and failure to participate are grounds for discipline up to and including discharge, even for a first offense.

Section 7-5-2 Definitions of Prohibited Conduct

A. Illegal Drug Use includes possessing, using, purchasing, distributing, or selling illegal drugs, or reporting to work impaired by illegal drugs. Under this policy, "illegal drugs" include any drug or drug-like substance that:

   1. Is not legally obtainable;
   2. May be legally obtainable but has not been legally obtained; or
   3. Is being used in a manner or for a purpose other than as prescribed.

B. Alcohol Abuse includes possessing, using, purchasing, distributing, or selling alcoholic beverages at any time during the hours between the beginning and ending of the

employee's work day, or reporting to work or working while impaired by alcohol in any way.

C. Failure to Participate in the Town's drug and alcohol testing policy includes:

1. Failure to submit to drug or alcohol testing;
2. Failure to report immediately for drug or alcohol testing when requested to do so;
3. Refusal to sign all appropriate consent forms; or
4. Any other failure to cooperate to the Town's complete satisfaction.

Section 7-5-3 Use of Legal Drugs

A. While this policy does not prohibit the use of legal drugs, employees are required to notify their supervisors if the use of any legal drug may endanger their safety or the safety of others. For example, an employee should tell their supervisor if they are using any legal drug that warns about drowsiness or cautions against operating heavy machinery after use.

B. "Legal drugs" as used in this policy include prescribed and over-the-counter drugs or medications that have been legally obtained and are being used only for the purpose for which they were prescribed or manufactured.

C. Anyone who fails to notify his or her supervisor about his use of legal drugs will be subject to disciplinary action up to and including discharge, even for a first offense.

Section 7-5-4 Types of Tests

The Town has implemented four circumstances for drug and alcohol testing.

A. Pre-Employment Testing

Candidates selected for employee positions must normally submit to a drug test. Any potential hire who tests positive for drug use will be ineligible for employment with the Town.

B. Post-Accident Testing for Commercial Driver's License Holders

1. Any employee who is required to hold a commercial driver's license (CDL) for the position held by the employee is subject to drug and alcohol testing any time he or she is involved in an accident where:

   a. A fatality is involved;

   b. The driver receives a citation for a moving violation arising from an accident where anyone involved requires immediate treatment for an injury away from the accident scene; or

c. Any vehicle involved incurs "disabling damage" (for example, must be towed away).

Following any accident, the CDL holder must notify the Town as soon as possible.

2. Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. If no alcohol test can be made within 8 hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within 32 hours, attempts to make such collection shall cease.

3. In the event that federal, state or local officials conduct tests for the use of alcohol or controlled substances following an accident, these tests may meet the requirements of this policy, provided the tests conform to applicable federal, state or local requirements. The Town may request or require testing documentation from such agencies and may ask or require the employee to sign a release allowing the Town to obtain such test results.

4. In the event a driver is so seriously injured that he or she cannot provide a sample of urine, blood, breath or saliva at the time of the accident, the driver must provide necessary authorization for the Town to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the driver's system at the time of the accident.

C. Random Testing for Safety-Sensitive Employees

1. Any employee who holds a safety-sensitive position shall be subject to random drug and alcohol testing. The Town or its agents will submit all safety-sensitive employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year.

   a. To meet DOT requirements, the Town will test the average number of employee positions requiring a CDL in each calendar year at a rate established by the Department of Transportation (DOT) for the given year.

2. Random selection, by its very nature, may result in employees being selected in successive selection or more than once a calendar year. Alternatively, some employees may not be selected in a calendar year.

3. If an employee is selected at random for either drug or alcohol testing, a Town supervisor will notify the employee. Once notified, every action the employee takes must lead to a collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

D. Reasonable Suspicion Testing

The Town will require an employee to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that the employee is engaged in illegal drug use or alcohol abuse.

1. For purposes of this policy, "reasonable suspicion" will be based on specific observations concerning the appearance, behavior, speech or body odors of an employee, including, without limitation, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, unexplained carelessness or accidents, erratic behavior, inability to perform the job and other unexplained behavioral changes.
2. These observations will be made by a supervisor, a police officer or other Town official who has been trained to recognize signs of alcohol and/or drug use.

Section 7-5-5 Authorization for Previous Test Records of CDL Holders

As a condition of employment, any employee who is required to hold a commercial driver's license (CDL) for the position shall sign a release authorizing the Town to obtain drug and alcohol testing records from the employee's previous employers for the previous two years. The Town will verify that no prior employer of the employee has records indicating a violation of any DOT rule pertaining to controlled substance or alcohol use within the previous two years.

Section 7-5-6 Drug Testing

Drug testing will be performed through urinalysis or blood testing. Urinalysis or blood testing will test for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates, amphetamines, phenacyclidine (PCP) and all other controlled substances.

A. Laboratory Testing

The procedure starts with the collection of a urine or blood specimen.

1. Specimens will be submitted to a Substance Abuse Mental Health Services Administration (SAMHSA) -certified laboratory for testing.
2. As part of the collection process, the specimen provided will be split into two vials; a primary vial and a secondary vial.
3. The SAMHSA-certified laboratory will perform initial screening on all primary vials.
4. In the event that the primary specimen tests positive, a confirmation test of that the primary specimen will be performed prior to the laboratory reporting the results to the Town.

B. Laboratory Results

All laboratory results will be reported by the laboratory to the Human Resources Director for the Town. At the Human Resources Director's sole discretion, a determination will be made as to whether a result is positive or negative.

1. Negative test results will be reported to the Town Manager.
2. Before reporting a positive test result to the Town Manager, the Human Resources Director will attempt to contact the employee to discuss the test results. If the Human Resources Director is unable to contact the employee directly, the Human Resources Director will notify the Town Manager, who shall contact the employee and direct the employee to contact the Human Resources Director. Upon being so directed, the employee shall contact the Human Resources Director immediately. If the employee fails to contact the Human Resources Director within 5 days after notification, the Human Resources Director may verify the test as positive.
3. After any positive verification, the employee may petition the Human Resources Director to reopen the case for reconsideration.

C. Confidentiality

Individual test results for employees will be released to the Town and will be kept strictly confidential unless consent for the release of the test results has been obtained from the employee.

D. Request for Results and Re-Test

1. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of the drug testing upon timely written request.
2. An individual who tests positive may make a request of the Human Resources Director to have the secondary vial tested. The request for testing of a secondary specimen is timely if it is made to the Human Resources Director within 72 hours of the individual being notified by the Town of a positive test result.
3. The secondary vial must be tested by a different SAMHSA-certified laboratory than tested the primary specimen.
4. The individual making the request for a test of the second specimen must pre-pay all costs associated with the test.

Section 7-5-7 Alcohol Testing

A. The Town will perform alcohol testing using a device that is on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and meets the DOT's testing requirements. This may be a breath testing device, a saliva-testing device

or any other approved devise and may be provided through a trained supervisor or the Marana Police Department.

1. The device will be operated by a technician who is certified and trained on the specific device he or she will be operating.
2. The employee shall report to the alcohol testing site as notified by the Town. The employee shall follow all instructions given by the alcohol technician.

B. Any initial test indicating a Blood Alcohol Concentration (BAC) of .02 or greater will be confirmed on a breath testing device. The confirmation test will be performed no sooner than 15 minutes and no later than 30 minutes following the completion of the initial test.

1. In the event the confirmation test indicates a BAC of .02 to .0399, the employee shall be removed from duty for 24 hours or until his/her next scheduled on-duty time, whichever is longer.
2. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination, even for a first offense.

C. All alcohol tests shall be performed just prior to, during or just after duty.

Section 7-5-8 Substance Abuse Evaluation, Return-to-Duty, and Follow-Up Testing

A. Any employee who engages in prohibited conduct shall be provided with the names, addresses and telephone numbers of qualified Substance Abuse Professionals (SAPs). If the employee desires to become requalified for employment with the Town, the employee must be evaluated by a SAP and submit to any treatment the SAP prescribes.

B. Following evaluation and treatment, if any, in order to become requalified for employment with the Town, an employee must submit to and successfully complete a return-to-duty drug and/or alcohol test.

C. The employee is also subject to follow-up testing. Follow-up testing is separate from and in addition to the Town's reasonable suspicion, post-accident and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to 60 months following the employee's return to duty. No fewer than 6 tests shall be performed in the first 12 months of follow-up testing.

D. The costs of any SAP evaluation of prescribed treatment shall be borne by the employee. The Town does not guarantee or promise a position to the employee should he/she regain qualified status.

Section 7-5-9 Discipline and Appeals

A. The disciplinary procedures included in this policy are subject to the notice provisions of the Discipline System Policy and appeal provisions included in the Problem Resolution Policy.

B. The disciplinary guidelines contained in this policy supersede the progressive discipline policies of the Discipline System Policy.

Section 7-5-10 Contractors and Visitors

Contractors and their employees or representatives and visitors will be notified that the Town of Marana prohibits the use, possession, sale or distribution of drugs or alcohol on its property or at its work sites. Any person who is reasonably suspected to have drugs in his or her system or to be impaired by alcohol while on Town of Marana property or work site is in violation of this policy. Contractors and their employees or representatives and visitors violating this policy will be refused entry onto Town property or Town work sites. In addition, appropriate legal entities may be contacted as required and appropriate.

Section 7-5-11 Not a Contract

This policy **is not** intended nor should it be construed as a contract between the Town and the employee. This policy may be changed at any time at the sole discretion of the Town Council.

TOWN OF MARANA

REVISED PERSONNEL POLICIES AND PROCEDURES

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CHAPTER 8

TERMINATION OF EMPLOYMENT

POLICY 8-1 EMPLOYMENT END

Employment with the Town of Marana may be ended voluntarily or involuntarily.

Section 8-1-1 Service Retirement

Service retirement is voluntary termination after the employee has satisfied the employment requirements of the applicable retirement system.

Section 8-1-2 Disability Retirement

Disability retirement is voluntary termination necessitated by an injury or illness that renders the employee incapable of performing the essential tasks of his or her usual job. The termination is preceded by a letter from the employee to his or her supervisor advising of the disability ruling, date of termination, supporting documentation, and a ruling by the appropriate agency verifying the disability and approving the retirement.

Section 8-1-3 Resignation

Resignation is voluntary termination for any reason other than formal retirement. It is customary and expected that an employee will provide a written resignation to his or her immediate supervisor at least 14 calendar days prior to the effective date of resignation. During this 14-day period, the employee will be expected to perform the normal functions of his or her job and to be available to assist in the training of a replacement or in the transition of job duties to another employee. Employees may request to use vacation or personal leave during this 14-day period; however, the supervisor may deny a request on the grounds that the granting of leave will impede the operational needs of the department. Employees may use sick leave during this 14-day period in accordance with the Town's sick leave policies and procedures.

Section 8-1-4 Termination During Initial Evaluation Period

During the initial evaluation period, an employee may be terminated at any time, with or without cause. The Department Head shall make the decision to terminate with the approval of the General Manager, where applicable, and after consultation with and approval by the Human Resources Director.

Section 8-1-5 Termination

Termination is the involuntary, permanent removal of an employee from employment with the Town. The terms "termination" and "discharge" are sometimes used interchangeably in these Personnel Policies and Procedures.

Section 8-1-6 Layoff and Recall

A. Definitions

1. A layoff is a reduction in the Town's work force due to a shortage of work or funds or a material change in duties or organization. Layoffs shall not be used in lieu of discipline.

2. For purposes of this section, seniority shall be defined as an employee's total length of continuous service with the Town as a probationary/regular employee. If there is a tie in seniority, seniority shall then be determined by the date of the employees' entry into the job classification occupied. If there is still a tie, seniority shall then be determined by comparing the first letters of the employees' last names or, if the employees' last names start with the same letter, by comparing the first letters of the employees' first names. In the first fiscal year in which this tiebreaker is applied, letters appearing earlier in the alphabet (i.e., A - Z) shall confer more seniority on an employee. In the next fiscal year in which this tiebreaker is applied, letters appearing later in the alphabet (i.e., Z - A) shall confer more seniority on an employee. Thereafter, the Town will continue applying this alternating pattern whenever this tiebreaker is applied.

B. Applicability

1. The provisions of this section apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Marana Town Code and these Personnel Policies and Procedures.

2. The provisions of this section do not apply to unclassified employees, probationary employees or other at-will employees, as defined in the Marana Town Code and these Personnel Policies and Procedures. However, unclassified employees, probationary employees and other at-will employees may be subject to job elimination or termination due to a shortage of work or funds or a material change in duties or organization.

C. Bumping

1. The bumping provisions described in this section shall only apply to Arizona Peace Officer Standards and Training (AZPOST)-certified employees serving in the Police Department and Police Department employees attending a police academy.

2. Any regular AZPOST-certified Police Department employee who is identified for layoff in accordance with this section may be permitted to "bump", that is, assume a position in the next lower classification within the department, provided that:

   a. The employee has more seniority than at least one employee in the lower classification; and

b. The employee has successfully completed an initial evaluation period in the lower classification in the department; and

c. The employee meets the minimum qualifications of the position and can perform the essential functions of the position.

3. If another lower classification exists within the department, the employee who is bumped from a position may be permitted to bump into or assume a position in the next lower classification within the department, provided that the employee meets the qualifications set forth in subparagraph 2 above,

D. Layoff Plans

1. Layoffs shall be accomplished on a department basis in accordance with a layoff plan prepared by the Department Head and approved by the General Manager, where applicable, the Town Manager's Office, the Human Resources Department and the Legal Department.

2. The layoff plan shall include the reason for the layoff, a list of each position subject to layoff by classification and a list of the employees holding the positions within the specified classification(s). The layoff plan shall also include a description of any bumping rights applicable to any of the employees included in the layoff plan.

3. Regular full- and part-time classified employees in grant-funded positions shall not be subject to layoff.

4. In any approved layoff plan, all vacant positions in the specified classification(s) within the department shall first be eliminated. Next, all temporary and/or probationary employees occupying the specified classification(s) within the department shall be terminated prior to the layoff of any regular employees in the specified classification(s) within the department. Regular employees within the specified classification(s) within the department shall then be laid off in inverse order of seniority.

5. Employees who have the option of exercising bumping rights shall be given notice of the layoff plan and of their right to bump into the next lower classification within the department. The notice shall inform the employee of the employee's opportunity to request a meeting with the Chief of Police in order to respond to the seniority calculation that is the basis for the bumping rights. Within 30 calendar days of receipt of this notice, the employee shall inform the Town in writing whether he or she will exercise those bumping rights. Upon receipt of the employee's written notification, the layoff plan will be finalized and implemented in accordance with this section.

E. Notice of Proposed Layoff

1. After finalization of the layoff plan, the Department Head shall issue a notice of proposed layoff to each employee who will be laid off. The notice shall inform the employee of the employee's opportunity to present a written response to the proposed layoff and to attend a pre-layoff review meeting with the Department Head at a scheduled date, time and location.
2. The notice of proposed layoff shall be issued to each affected employee at least seven calendar days prior to the pre-layoff review meeting.

F. Pre-Layoff Review Meeting

1. The pre-layoff review meeting shall take place at least 14 calendar days prior to the proposed effective date of the layoff.
2. The pre-layoff review meeting shall not be an adversarial hearing. The purpose of the meeting is to give the employee the opportunity to respond, verbally or in writing, to the written notice of proposed layoff.
3. The employee may have a non-attorney co-worker of the employee's choosing present during the pre-layoff meeting. The co-worker may not speak on behalf of the employee and may only participate as an observer.
4. Any relevant information presented by the employee during the pre-layoff review meeting regarding the proposed layoff shall be considered by the Department Head.
5. Failure by the employee either to attend the pre-layoff review meeting or to timely submit a written response to the notice of proposed layoff shall be deemed a waiver of the employee's right to do so and the proposed layoff shall be implemented as specified in the layoff plan.

G. Notice of Layoff

1. After the pre-layoff review meeting, the Department Head shall advise the employee in writing of the decision regarding the proposed layoff. The decision shall be approved by the General Manager, where applicable, the Town Manager's Office, the Human Resources Department and the Legal Department. This notice of layoff shall be issued as soon as possible and at least 14 calendar days prior to the effective date of any layoff.
2. The original notice of layoff shall be submitted to the Human Resources Department and a copy shall be provided to the employee.

H. Personnel Action Review Board (PARB) Review

1. Employees who are laid off pursuant to the provisions of this section may request to have the layoff decision reviewed by the Town's Personnel Action Review Board (PARB).

2. To request PARB review, eligible employees must submit a written request for review, on a form provided by the Human Resources Department, to the Human Resources Director within ten calendar days after the effective date of the layoff.
3. Within ten calendar days of receipt of the employee's request for review, the Human Resources Director shall submit the request for review to the PARB.
4. Upon receipt of the employee's request for review, the PARB, or the Human Resources Director in conjunction with the PARB Chairperson, shall set a date for a review hearing. The hearing should take place within 30 calendar days of the PARB's receipt of the request for review, unless the time is extended by the PARB, or unless the PARB is unable to hold the hearing within that time, or for other good cause.
5. The review by the PARB shall be only to ascertain whether the Town has complied with the provisions of these Personnel Policies and Procedures relating to layoffs. The PARB has no authority to and shall not review whether the shortage of work or funds or the material change in duties or organization justified the layoff or whether alternative means may have been available to the Town. In all other respects, the hearing shall proceed in the manner set forth in Policy 4-6 of these Personnel Policies and Procedures or as otherwise determined by the PARB.
6. Upon conclusion of the review hearing, the PARB shall render a written decision which shall contain findings as to whether the provisions of these Personnel Policies and Procedures relating to layoffs have been complied with. The decision of the PARB shall be final and is not appealable within any Town process.
7. Failure by the employee to file a written request for review within ten calendar days after the effective date of the layoff, unless explained to the satisfaction of the PARB, shall operate as a bar to further recourse by the employee.

I. Pre-Layoff Transfer

1. Layoff decisions shall be coordinated among Town departments to provide possible transfer of employees to positions in other departments for which the employees qualify.
2. An employee subject to a pre-layoff transfer retains all accrued sick and vacation leave and compensatory time.
3. The employee shall serve an initial evaluation period in the classification the employee transfers into unless the employee has previously completed an initial evaluation period in that classification and in that department.

J. Recall

1. An employee who has been laid off pursuant to the provisions of this section shall be recalled within one year of the layoff if the employee's previously-held job is reopened or if a similar job for which the laid off employee is qualified becomes available. The Town is not required to follow the competitive hiring process to recall a laid off employee.
2. An employee subject to a pre-layoff transfer is subject to recall in the same manner as an employee who is laid off.

K. Coordination with the Worker Recession Assignment Program (WRAP)

If any of the provisions of this section conflict with the provisions of the Town's Worker Recession Assignment Program (WRAP), the provisions of the WRAP shall govern for those employees who are serving in a WRAP assignment under the provisions of that program.

POLICY 8-2 EXIT PROCESS

The Human Resources Department is responsible for coordinating the exit process with the Department Head, the chain of authority above the level of Department Head and the Finance Department.

Section 8-2-1 Exit Clearance

The employee's Department Head shall ensure that all Town-issued equipment, materials and supplies, including, but not limited to keys, identification cards, Town credit cards and uniforms have been returned as part of the employee's final exit clearance.

Section 8-2-2 Exit Interview

Regular full- and part-time employees will normally participate in an exit interview scheduled prior to the last day of employment. Documented comments gathered from the exit interview shall be maintained separately from the employee's personnel file. Temporary employees do not ordinarily participate in an exit interview unless they volunteer to complete the interview.

Section 8-2-3 Final Pay Check

A. The Finance Department shall be notified of the employee's separation date through a Personnel Action Form. Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by Town policy and laws governing final payments.

1. Terminated employees must be issued their final pay check within seven working days of the effective date of the termination or at the end of the next regular pay period, whichever is sooner.
2. Employees who leave the employment of the Town by means other than termination will be paid at the close of the next regular pay period.
3. Costs of unreturned Town property will be deducted from the final paycheck.
4. The Town will not distribute the final pay check to the employee via direct deposit. The employee may either pick up the final pay check or request that it be mailed to the employee. The employee's selection shall be indicated on the final exit clearance form.

B. It is the responsibility of the Department Head to ensure that the employee has completed final clearance and that all items, including the Personnel Action Form, the exit clearance checklist and the final time sheet/attendance record, have been properly completed and forwarded to the Human Resources Department and the Finance Department within the required time frames for issuance of the final pay check.

Section 8-2-4 Continuation of Benefits

A. The continuation of benefits is subject to the provisions of each benefit plan and coverage may vary.

B. Employees eligible to continue health benefits through COBRA and HIPAA will receive notification within the time limits determined by law.

Section 8-2-5 Final Work Day

Employees are expected to be present and to work on their final work day to facilitate the exit clearance process. Requests to use vacation or personal leave will be considered as described in Section 7-1-3 of these Personnel Policies and Procedures. Employees may use sick leave in accordance with the Town's sick leave policies and procedures

POLICY 8-3 VERIFICATION OF PREVIOUS TOWN EMPLOYMENT

All requests for verification of employment or wages of former employees, whether written or oral, must be forwarded to the Human Resources Department for processing. The Human Resources Department will provide information regarding a former employee's dates of employment, job classification(s), rate(s) of pay, department(s) worked in and eligibility for rehire in response to standard requests for employment verification. If the requestor submits a written authorization for release of information signed by the former employee, the Town may provide additional information in conformance with the written release.

POLICY 8-4 RE-EMPLOYMENT

Section 8-4-1 Eligibility

Regular employees who resign from Town service may be considered for re-employment to a classification in which the employee had previously completed an initial evaluation period without going through a competitive recruitment process, if the employee returns within six months of resignation and if the re-employment is approved by the Department Head and the chain of authority above the level of Department Head. The former employee must notify the Human Resources Department of his or her desire to be re-employed. However, re-employment is not guaranteed. Former employees may also apply for posted openings through the regular competitive recruitment process.

Section 8-4-2 Initial Evaluation Period

A. Re-employed employees who return to Town employment within six months of their resignation are not required to complete an initial evaluation period if they had previously completed the initial evaluation period in the same classification and in the same department prior to resignation.

B. Re-employed employees who return to Town employment more than six months after their resignation must serve the initial evaluation period required by the position, regardless of whether the employee previously completed the initial evaluation period in the same classification and the same department prior to resignation.

C. All re-employed employees must serve an initial evaluation period for any subsequent demotions, transfers or promotions, regardless of whether the employee previously completed the initial evaluation period in the same classification and the same department prior to resignation.

Section 8-4-3 Compensation and Benefits

A. An employee re-employed in his or her former position or in another position will be subject to the compensation policies and practices for new hires regardless of the employee's previous compensation at the time of separation.

B. Future performance pay increases for a re-employed employee will be in accordance with the performance management policies and procedures set forth in Chapter 5 of these Personnel Policies and Procedures.

C. An employee re-employed in his or her former position or another position within six months after the employee's resignation will accrue vacation leave at the same accrual rate as the employee accrued at the time of the employee's resignation. In addition, the employee's previous Town service time will be credited toward the employee's length of

service for purposes of vacation leave accrual. However, the time between resignation and re-employment will not be credited toward the length of service for this purpose. The employee will not be required to serve the waiting period described in Section 3-1-5 of these Personnel Policies and Procedures before using vacation.

D. An employee re-employed in his or her former position or another position within six months after the employee's resignation shall have his or her previous accumulated sick leave balance restored.

E. Depending upon the provider and the plan, separation and re-employment may be considered a break in service for purposes of insurance benefits and the employee may be required to serve the required waiting period before receiving insurance benefits.

Section 8-4-4 Personnel File

A former employee's personnel file will be re-activated upon re-employment with the Town, if the personnel file has not been disposed of in accordance with the Town's records retention schedule.

Section 8-4-5 Military Service

An employee who resigns from Town service to enter active duty in the armed forces, voluntarily or involuntarily, will be subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and any applicable Arizona law.

Section 8-4-6 PSPRS

Police employees who retire under the Public Safety Personnel Retirement System (PSPRS) are subject to the re-employment provisions of PSPRS. If any of the provisions of this policy conflict with the re-employment provisions of PSPRS, the provisions of PSPRS shall govern for those employees covered by PSPRS.

Section 8-4-7 Re-Employment and Seniority

Separation and re-employment is not considered continuous service when determining seniority for layoff purposes.

APPENDIX: TABLE OF REVISIONS

This appendix was added for administrative tracking purposes on July 1, 2014

RESOLUTION	ADOPTED	EFFECTIVE[1]	DESCRIPTION
99-38/ Ord. 99.12	5-18-1999	6-17-1999	Adopted "Revised Marana Personnel Policies" in current format; rescinded and replaced all previous personnel policies
2000-103	9-19-2000	10-19-2000	Revised section 4-14-2 (approved holidays)
2003-149	11-18-2003	12-18-2003	Revised policy 4-12 (Leave Donation)
2004-65	7-20-2004	8-19-2004	Revised policy 5-6 by replacing existing "Problem Resolution" policy with new "Personnel Action Review Procedures" policy
2005-119	9-6-2005	10-6-2005	Revised policy 5-5 (Discipline System), policy 5-6 (Personnel Action Review Procedures) and section 8-1-6 (layoff and recall)
2005-155	12-20-2005	1-19-2006	Revised policy 1-2 (Code of Conduct) by adding section 1-2-10 (restriction on children and non-employees in the workplace)
2006-28	2-7-2006	3-9-2006	Revised policy 4-11 (Personal Leave)
N/A	6-19-2007	6-19-2007[2]	Revised policy 3-6 (Overtime/Compensatory Time)
2008-168	12-16-2008	1-15-2009	Revised chapter 3 (Compensation), chapter 4 (Employment Benefits) and chapter 6 (Employee Development) by substantially rewriting, reorganizing, and renumbering the chapters in their entirety
2009-62	5-5-2009	5-5-2009	Revised section 8-1-6 (layoff and recall)
2009-64	5-5-2009	5-5-2009	Revised chapter 5 (Work Rules) by substantially rewriting the entire chapter
2009-133	8-18-2009	8-18-2009	Revised policy 5-7 (Personnel Action Review Board (PARB))
2010-02	1-5-2010	1-5-2010	Revised policy 4-7 (Family and Medical Leave), policy 4-9 (Administrative Leave), and policy 4-10 (Leave Donation)
2010-29	3-16-2010	4-15-2010	Revised section 8-1-6 (layoff and recall)
2010-114	12-7-2010	12-7-2010	Revised chapter 3 (Compensation) by making various changes throughout the chapter
2010-115	12-7-2010	12-7-2010	Revised chapter 8 (Termination of Employment) by making various changes throughout the chapter

[1] Prior to June 4, 2010, Section 2-5-5 of the Town Code provided that ordinances and resolutions became operative 30 days after their passage unless adopted with an emergency clause. Effective dates were determined on this basis, until after June 4, 2010, after which resolutions are effective immediately or as determined by Council.
[2] This revision was passed by motion rather than resolution or ordinance; therefore T.C. Section 2-5-5 did not apply and the revision was effective immediately.

APPENDIX: TABLE OF REVISIONS

RESOLUTION	ADOPTED	EFFECTIVE[1]	DESCRIPTION
2011-82	8-16-2011	8-16-2011	Revised policy 3-8 (Holiday Pay) and policy 4-4 (Holidays)
2012-06	1-24-2012	1-24-2012	Revised policy 5-5 (Discipline System)
2012-29	6-5-2012	6-5-2012	Revised section 1-1-3 (equal employment opportunity program)
2012-30	6-5-2012	6-5-2012	Revised chapter 2 (Employment Process) by substantially rewriting the entire chapter
2012-48	6-19-2012	6-19-2012	Revised policy 3-3 (Classification Plan) and policy 3-9 (Adjustments to Pay)
2012-057	7-17-2012	7-17-2012	Revised section 5-1-4 (meal breaks and rest breaks)
2012-076	9-18-2012	9-18-2012	Revised chapter 4 (Employment Benefits) by adding policy 4-13 (Supplemental Benefits Plan for Public Safety Employees)
2012-081	11-7-2012	11-7-2012	Revised chapter 4 by renaming it from "Employment Benefits" to "Employment Benefits and Leaves" and making various changes throughout the chapter; deleted policy 7-2 (Return to Work)
2012-090	11-20-2012	11-20-2012	Revised section 8-2-3 (final pay check)
2014-063	7-1-2014	7-1-2014	Revised chapter 3 by renaming it from "Compensation" to "Classification and Compensation" and making various changes throughout the chapter; revised chapter 6 by renaming it from "Employee Development" to "Performance Management and Employee Development" and adding policy 6-1 (Performance Management) (formerly policy 3-5); revised the Introduction to Personnel Policies and Procedures
2014-120	12-2-14	12-2-14	Revised policy 2-6 (Reference Check; renamed as Reference Check and Background Investigation) and policy 2-8 (Fingerprinting)
2015-030	4-7-15	4-7-15	Revised section 3-7-1 (Promotion, Demotion and Lateral Transfer)
2016-049	5-17-16	5-17-16	Revised section 3-2-4 (Position Classification Review), section 3-7-1 (Promotion, Demotion and Lateral Transfer), section 4-3-3 (request for personal leave), policy 4-7 (Family and Medical Leave), specifically section 4-7-7 (Use of Accrued Paid Leave), policy 4-8 (Administrative Leave), specifically section 4-8-4 (Compensation), and policy 6-1 (Performance Management)