

**TOWN OF WICKENBURG**

**PERSONNEL RULES**  
**&**  
**REGULATIONS**

*Most Recent Update: Resolution No. 2283 / 05-03-2021*

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## RULE 1.      DEFINITIONS

**Section 1.**      The following terms, whenever used in these rules, shall be defined as follows:

1. **“Adverse Personnel Action”**: Written reprimands, demotions, suspensions with or without pay and termination. ♣
2. **“Allocation”**: The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
3. **“Anniversary Date”**: The date of permanent hire.
4. **“Appointment”**: The offer to a person, and the acceptance of a position by the appointing powers.
5. **“Class”**: All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and authority.
6. **“Classified Service”**: All positions of employment in the service of the Town except:
  - A. Those specifically excluded by Council action; and,
  - B. Any employees who are serving a probationary period or an extended probationary period; and,
  - C. Temporary employees.
7. **“Compensatory Time”**: Full-time hourly employees shall be allowed to accumulate compensatory time for overtime worked. ☹
8. **“Demotion”**: The movement of an employee from a position in one class to a position in another class having a lower maximum rate of pay.
9. **“Department Head”**: Those officers or employees who are appointed or employed as the principle employee of a department for the discharge of duties provided by law or of particular delegated functions.
10. **“Eligible”**: A person whose name is on an employment, reinstatement, promotional or layoff list.
11. **“Employee”**: Any person employed by the Town except those excluded by Rule 2, Section 5, of these Rules and Regulations. ©
  - A. **“Employee With Benefits”**: An employee who has fulfilled his or her original probationary period, or any extension of the original probationary period and has, therefore, become entitled to various benefits such as, but not necessarily limited to sick leave and health insurance coverage.
  - B. **“Employee Without Benefits”**: An employee who is not on suspension or furlough, who has successfully completed his or her original probationary period and any extension of his or her original probationary period and who has exhausted all of his or her sick leave, vacation leave, and used all of his or her donated vacation leave, who is not on Family And Medical Leave of Absence, or, if not eligible for use of sick leave or other leaves provided for in these rules, is on an approved leave of absence without pay. Employees without benefits shall not be entitled to any of the following Town-paid benefits:

1. Retirement contributions.
  2. Life insurance contributions.
  3. Health insurance coverage for the employee and his or her dependent(s) after the 31<sup>st</sup> day following the exhaustion of sick leave, vacation leave, and donated vacation leave; or, the 31<sup>st</sup> day following the date the leave of absence without pay commenced, provided Town-paid-health contribution termination after the 31<sup>st</sup> day is not inconsistent with the requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), any amendments thereto. The employee shall be required to pay all health insurance coverage premiums to continue coverage after the 31<sup>st</sup> day.
  4. Accumulation of sick leave and vacation leave.
  5. FICA contributions.
  6. Use of Town vehicles.
  7. Worker's Compensation Insurance contributions.
- 12. "Employment List":** A list of names of persons who have applied for employment in the classified service and have qualified for consideration by demonstrating their fitness for such employment.
- 13. "Examination":**
- A. Open Competitive Examination: An examination for a particular class, which is open to all persons meeting the qualifications for the class.
  - B. Promotional Examination: An examination for a particular class, admission to the examination being limited to permanent and probationary employees in the classified service who meet the qualifications for the class.
- 14. "FLSA":** Fair Labor Standards Act 29 U.S.C. §201 et. seq.f 207(k) exemption.
- 15. "Hearing Officer":** The person appointed to hear appeals pursuant to Rule 22. The Hearing Officer shall not be a Town Employee. ◆
- 16. "Holiday Pay/Benefits":** Time off with pay granted to the employee in observance of certain holidays. Ⓜ
- 17. "Human Resources Director":** The Human Resources Director shall be responsible for the administration of the merit system. This includes, but is not limited to, interpreting personnel rules and regulations; possessing authority in hiring, firing, transferring, promoting, demoting, suspending, and reinstating employees. The Town Manager is the Human Resources Director.◆ The Town Manager may grant exceptions to these Personnel Rules and Regulations for extenuating circumstances. ✨ (Res. 1811)
- 18. "Job Related":** For the purpose of tuition refund policy, "job related" shall be course work related to any Town position currently held or one, which the employee could attain as determined by the Human Resources Director.
- 19. "Key Personnel Employees":** Employees who, by the nature of their position, are required to undertake greater responsibilities, not entitled to overtime compensation, and are required to possess a greater amount of education, experience, or expertise, or any combination thereof. Key Personnel Employees are divided into the two following classes:
- A. "Key Personnel Employees II": Consists of Department Heads, the Town Manager, and any other positions that the Town Council may from time-to-time, designate as such.
  - B. "Key Personnel Employees I": Consists of, but not necessarily limited to, certain Sub-Department Heads, and any other such positions that the Town Council may from time-to-time designate as such.

20. **“Overtime Work”**: Those hours of work in excess of forty (40) hours per week, with the exception of certified Fire Department and certified Police Department personnel who have entered into an agreement with the Town pursuant to Rule 14, Section 4.(Res 2114) Such personnel are under the FLSA 207(k) exemption. f The term “hours worked” used in this Section shall include only actual hours worked.
21. **“Part-Time Employee”**: An employee hired on a basis of less than thirty (30) hours per week. Fire Department personnel who fall under the Fair Labor Standards Act Section 207(k) exemption will be considered part-time if hired on a basis of less than two hundred (200) hours in a twenty-eight (28) day work period. ✍
22. **“Performance Report”**: The annual evaluation of an employee’s work reflected on forms prescribed by the Human Resources Director.
23. **“Permanent Employee”**: An employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.
24. **Personnel Activities Report**: The Human Resources Director shall issue a monthly report to the Town Council, of all personnel activities for the month. The report will include, but not be limited to the following actions: Promotional examinations, method of filling vacancies, miscellaneous leaves, discipline concerning suspension, demotions or dismissals, overtime, promotions, demotions, suspensions, reinstatement, discharge, resignation and lay-off. Ω
25. **“Personnel Resolution”**: Resolution No. 833, which creates a personnel system for the Town of Wickenburg.
26. **“Position”**: An aggregation of tasks and responsibilities requiring the service of one person.
27. **“Probationary Period”**: A working test period during which employees are required to demonstrate their fitness for the duties to which they are appointed by actual performance of the duties of the position. Such employees are hereby excluded from Classified Service, as heretofore defined, by the Mayor and Common Council of the Town of Wickenburg.
28. **“Promotion”**: The movement of an employee from a position in one class to a position in another class having a higher maximum rate of pay.
29. **“Provisional Appointment”**: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class subject to successful completion of the probationary period.
30. **“Reinstatement”**: The re-employment of a former permanent or probationary employee.
31. **“Retirement”**: For the purpose of pay-out of “Class A” sick leave, “Retirement” shall mean retirement as defined by the individual employees’ retirement system.
32. **“Salary Advancement”**: A salary increase, based upon satisfactory performance recommended to the Council by the Human Resources Director.

Revised 05/9/99  
● Res. 1519/5-06  
f Res. 1527/6-06  
● Res. 1568/3-3-08  
✍ Res. 1616/7-09

Ω Res. 1695/06-20-13  
Res. 2114/ 02-20-18

33. **“Sick Leave”**: Time off with pay granted by the Town to permanent and probationary employees in the event of illness.
34. **“Suspension”**: The temporary separation from the service of an employee without pay for disciplinary purposes.
35. **“Termination”**: The separation of an employee from the Town service by any means other than lay-off or retirement, whether it be voluntary or involuntary.
36. **“Transfer”**: A change of an employee from one position to another position in the same class or in a comparable class.
37. **“Vacation”**: Time off with pay granted to the employee at the convenience of the Town in recognition of service and of the employee’s need for an annual period of rest and recreation.
38. **“Work Week”**: Workweek shall consist of forty (40) hours. The workweek commences on Saturday morning at 12:01 a.m. and ends the following Friday evening at midnight with the exception of the Police and Fire Department. 📍



## **RULE 2.        GENERAL PROVISIONS**

### **Section 1.        FAIR EMPLOYMENT**

No person shall be appointed or promoted to, or demoted or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations; nor shall there be any discrimination in favor of, or against any applicant or employee because of age, race, color, sex, disability, national origin or any other legally protected status. ☆

### **Section 2.        AMERICANS WITH DISABILITIES ACT**

The Town of Wickenburg complies with the Americans with Disabilities Act (“ADA”) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities in hiring, compensation, training, advancement, and the terms, conditions, and privileges of employment. The Town of Wickenburg also provides reasonable accommodation for disabled employees and applicants. It is the Town of Wickenburg’s policy to, without limitation: ✎

- A. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
- B. Administer medical examinations, such as second medical opinion or fitness-for-duty examinations to candidates for safety-sensitive positions when they are “narrowly” tailored to address specific job-related concerns and are shown to be consistent with business necessity and only after conditional offers of employment have been extended. ✎
- C. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files in the Personnel Office.
- D. Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the Town of Wickenburg.

E. ✎ **SCOPE:** This policy covers qualified employees and applicants with a disability. A “qualified individual with a disability” is a person who meets the qualification standards of a job and can satisfactorily perform its essential functions with or without reasonable accommodation, and who a) has been diagnosed with a non-temporary physical or mental disability which substantially limits one (1) or more major life activities; b) has known record of such impairment, or c) is regarded as having such impairment.

A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “major bodily function” includes, but is not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An individual meets the requirements of “being regarded as having such an impairment” if the individual established that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. “Impairment” for the purposes of the ADA and this policy, do not include impairments that are transitory, or that which has an actual or expected duration of six (6) months or less. An “impairment” is a disability if the impairment is episodic or in remission if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorating effects of mitigating measures, such as ordinary glasses or contact lenses, medication or medical supplies, prosthetics, hearing aids and cochlear implants, and mobility devices.

This policy does not protect employees or applicants who are currently engaged in the illegal use of drugs, or in on-the-job substance abuse of any kind. Likewise, this policy does not protect disabled employees from the consistent application of discipline for unsatisfactory performance or behavior.

- F. Reasonable Accommodation Defined: In accordance with the ADA, the Town will, upon receipt of an employee or applicant request, attempt to provide a reasonable accommodation to individuals with a disability (except for those individuals covered only under the “regarded as” prong, as they are not entitled to a reasonable accommodation). A reasonable accommodation will be considered to be one which is consistent with business necessity, does not impose an undue hardship on the Town (i.e., significant difficulty, service deterioration, expense, or fundamental alteration in the nature of the service, program or activity), and does not pose a direct threat to the employee or others with whom the employee regularly comes in contact. ✎
- G. ✎ Accommodation Procedure: If an employee identifies himself or herself as having been diagnosed with a disability for which accommodation is necessary to perform the essential functions of the job, or if the Town is made aware of the disability, the following steps shall be taken:
1. The employee shall fully inform the Human Resources Director of his or her disability and accommodation needs, and shall submit documentation from his or her physician or health care provider to substantiate the work restrictions or limitations imposed by the disability. All medical documentation shall be submitted to and maintained by the Human Resources Director.
  2. The Human Resources Director and Town Attorney shall make a determination regarding the employee’s status as a qualified individual with a disability and what, if any, accommodation can reasonably be made. The Town’s designated physician, in consultation with the employee’s health care practitioner, may conduct an independent medical evaluation as necessary to guide this determination. The employee’s supervisor shall communicate what accommodation has been determined to be reasonable to the employee, and shall submit documentation of the accommodation offer to the Personnel Department for inclusion in the employee’s personnel file. Periodic documentation (from the employee’s health care provider) of the continued need for accommodation may be a condition of continued accommodation and shall be provided by the employee upon request.
  3. If the employee is dissatisfied with the accommodation decision, he or she may use the Appeal Process (Rules 21 and Rule 22) to appeal the accommodation decision.
  4. Accommodations which have been authorized by Town Management and accepted by the employee shall not be rescinded without the approval of the Human Resources Director or Town Manager.
- H. Life Threatening Conditions: When dealing with situations involving potentially life threatening conditions, supervisors and managers shall take reasonable precautions to protect the confidentiality of the employee’s medical information and health condition. Supervisors or managers shall not disclose information regarding an employee’s medical condition or medical records to individuals who do not have a clear need to know. ✎

### **Section 3. VIOLATION OF RULES**

Violation of the provisions of these rules shall be grounds for rejections, suspension, demotion or dismissal.

### **Section 4. AMENDMENT AND REVISION OF RULES**

An interested person may suggest proposed amendments and revisions to these rules to the Town Council through the Human Resources Director. The Council may, by resolution, change or modify these rules as may from time-to-time be necessary. Amendments and revisions to these rules shall become effective thirty (30) days after adoption of an appropriate resolution by the Town Council. The Human Resources Director will from time to time review the Personnel Rules and Regulations and recommend amendments or revisions to the Town Council. Ω

**Section 5. ELIGIBLE EMPLOYEES**

The rules and regulations of this merit system shall apply to all employees of the Town of Wickenburg except elected officials, members of boards and commissions, persons engaged under contract to supply professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the Town.

### **RULE 3.      CONDITIONS OF EMPLOYMENT**

#### **Section 1.      LOYALTY OATH**

All employees are required to sign a Loyalty Oath as required by State law.

#### **Section 2.      POLITICAL ACTIVITY PROHIBITED**

Employees are prohibited from engaging in any political activity relating to any Wickenburg municipal election, or taking any part in municipal political issues, beyond the private expression of personal opinion, registering to vote, signing nominating, initiative, referendum or recall petitions, and voting in any special, primary or general election. As a Town employee, you may be a member of a political party, attend political meetings, cast your vote freely and contribute money to a political party or candidate. No employee in their official capacity with the Town shall solicit any contribution in cash or services from any Town employee to support any candidate for public office. (If you work in the Town Clerk's Office, these rules are different, please check with the Town Clerk.)

#### **Section 3.      SOLICITATION OF POLITICAL SUPPORT PROHIBITED**

No elected or appointed officer or employee of the Town shall solicit any contribution in cash or services from any Town employee to support any candidate for public office.

#### **Section 4.      RESIDENCE REQUIREMENTS**

All employees of the Town are required to establish and maintain residence in accordance with departmental policies as approved by the Town Council within three (3) months after the completion of their probationary period, except for the Town Manager, Police Chief, Fire Chief and Public Works Director, all of whom shall be required to maintain residence within a five (5) mile radius of the Town Limits. ✨

#### **Section 5.      PHYSICAL EXAMINATION**

Prior to appointment to full-time employment with the Town, each prospective employee who has been given a conditional offer of employment may be required to submit to and receive a satisfactory report of a medical examination by a physician of the Town's choice along with an alcohol and drug screening. Said examination is to be paid for by the Town. Positions that are primarily administrative, except in a public safety position, will not be required to submit to a physical to be eligible for hire.

#### **Section 6.      ✍️ NEPOTISM POLICY**

Relatives and significant others shall not maintain a regular reporting relationship to one another in a direct chain of departmental command. If such a relationship is created, one of the parties must elect to transfer to or be selected for a vacant position where there is no chain of command reporting relationship. As an alternative, the parties may elect to discontinue the relationship, or one or both parties may elect to resign or retire. Failure to discontinue the relationship, resign, retire, transfer to, or be selected for another position within ninety (90) days shall result in separation of the supervisory employee from service.

Relatives for the purpose of this section shall include the following: parent, spouse, child, grandparent, brother or sister, whether related by blood or marriage (e.g. step, in-law, etc.). Significant others, for the purpose of this section, shall include individuals with a romantic relationship or other close personal relationship (as determined by the Town Manager) which may compromise the chain of command, for example: legal guardian, dependent, or business partner.

It shall be the responsibility of the supervisory employee to immediately notify his or her department head if a relationship as described above is established with a subordinate.

## **Section 7. CONFLICT OF INTEREST**

Employees are required to avoid situations, which give rise to an actual or potential conflict of interest, or the appearance of a conflict of interest. The following guidelines provide general direction, which will allow employees to seek further clarification on issues related to acceptable standards of behavior. An actual or potential conflict of interest may occur when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative of that employee as a result of the Town's business dealings.

It is also a conflict of interest for an employee or a relative of an employee to accept any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealing involving the Town related by blood and/or marriage to an employee, or who lives with the employee may be considered a "relative." An actual or potential conflict of interest may also occur when current employees engage in close personal relationships where one employee is in a position to affect the terms or conditions of employment of the other employee. It is an actual conflict of interest for employees to use Town facilities, equipment, time, or funds for personal affairs, and such actions are strictly prohibited.

When circumstances or conditions exist which may create a potential conflict of interest or the appearance of a conflict of interest, the employee must report those circumstances to the Town Manager / Human Resources Director so that action may be taken to protect the interests of the Town. Employees who engage in an actual conflict of interest or who fail to report potential conflicts of interest are subject to immediate termination.

## **Section 8. PROHIBITION OF HARASSMENT**

The Town of Wickenburg is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate unlawful harassment of our employees by anyone, including any supervisor, co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history). Harassment, which affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment will not be tolerated.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed or visual material, or offensive physical actions. Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex, constitutes harassment when (1) submission to the conduct is required as a term or condition of employment or is the basis for employment action; or, (2) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive workplace. Sexual harassment may include sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching or brushing against another.

Town employees are responsible for helping to enforce the policy against harassment. Any employee who has been the victim of prohibited harassment or who has witnessed such harassment must immediately notify his or her supervisor so the situation can be promptly investigated and remedied. If it is the supervisor who is responsible for the harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager/Human Resources Director or another Department Head. Complaints shall be filed using the confidential memorandum of complaint form; this form can be found on the Town's website, [www.wickenburgaz.org/documentcenter](http://www.wickenburgaz.org/documentcenter), employee forms. It is the Town's policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, the Town will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, the Town will take corrective action, which may include discipline up to and including immediate termination of employment. The Town also forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints. Employees are required to cooperate in all workplace investigations deemed necessary by the employer. Failure to cooperate or sabotage of an investigation can be grounds for corrective action, up to and including termination. 📍

## **Section 9. ALCOHOL AND SUBSTANCE ABUSE EDUCATION, AWARENESS, TREATMENT AND PREVENTION PROGRAM** (Res. 2283/05-21)

### A. PURPOSE

To establish a drug- and alcohol-free workplace and a drug and alcohol testing program conducted in accordance with state and federal law.

### B. SCOPE

This Drug and Alcohol Abuse Policy (this "Policy") applies to all Town of Wickenburg ("Town") Employees, Volunteers, all applicants who have received conditional offers of employment with the Town, and all employees of Town contractors who are performing services on Town property, or who are operating Town equipment, machinery, or vehicles.

Certain procedures relate only to employees and applicants whose positions require the possession of a commercial driver's license ("CDL") or who perform safety-sensitive functions as defined herein, which employees and applicants are required to sign an acknowledgment that he or she has been provided a copy of this Policy. Given the varied nature of Town needs, employees who are employed to operate commercial motor vehicles have the potential to perform safety-sensitive functions during any part of their job.

### C. RESPONSIBILITIES

Human Resources will be responsible for the development, coordination, and documentation of this Policy for the Town. All Town personnel with supervisory responsibility will have knowledge of and be responsible for the communication, enforcement, and adherence to this Policy.

### D. DEFINITIONS

1. **"Commercial Motor Vehicle (CMV)"** is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.
2. **"Illegal Drug"** means any substance considered unlawful under the schedules of the controlled substances section of the comprehensive drug abuse prevention and control act of 1970, as amended (P.L. 91-513; 84 Stat. 1247; 21 United States Code section 812), or pursuant to title 13, chapter 34 of Arizona Revised Statutes ("A.R.S.") or the metabolite of the substance.
3. **"Prescription or over-the-counter drugs"** 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.
4. **"Refusal to Test"** includes (i) failing to provide a breath or urine sample, (ii) providing insufficient volume without medical explanation, (iii) adulterating or substituting a specimen, (iv) failing to appear in a reasonable time, (v) leaving the scene of an accident without just cause prior to submitting to a test, (vi) leaving the collection facility prior to test completion, (vii) failing to permit an observed or monitored collection when required, (viii) failing to take a second test when required, (ix) failing to undergo a medical examination when required, (x) failing to cooperate with any part of the testing process, or (xi) failing to sign the alcohol test form.
5. **"Safety-sensitive Functions"** include (i) driving a commercial motor vehicle that requires the driver to have a CDL; (ii) Operating a motor vehicle, other vehicle, equipment, machinery or power tools; (iii) inspecting, servicing, or repairing any commercial or other motor vehicle or any equipment or machinery (iv) waiting to be dispatched to operate a commercial motor vehicle; (v) performing all other functions in or upon a commercial motor vehicle; (vi) loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded; (vii) performing driver requirements associated with an accident; (viii) repairing, obtaining, assisting, or remaining in attendance upon a disabled commercial motor vehicle; (ix) Handling hazardous chemicals or materials; (x) Performing water/wastewater operational duties; (xi) Repairing, maintaining or monitoring the performance or operation of any equipment or machinery during which the malfunction or disruption could result in injury or property damage; and (xii) Carrying or use of weapons.

## E. POLICY

The Town is committed to protecting the safety, health, and well-being of all employees and other individuals in the workplace. The Town recognizes that alcohol abuse, prescription or over-the-counter drug abuse, and illegal drug use pose a significant threat to its goals. Therefore, the Town has established a drug- and alcohol-free workplace program that balances its respect for individuals with the need to maintain a drug- and alcohol-free environment. The Town encourages employees to voluntarily seek help with drug and alcohol problems.

### 1. General Prohibitions

The Town prohibits the possession, sale, consumption, or being under the influence of alcohol or illegal drugs by employees, volunteers, and others while in the workplace, during working hours outside the workplace, or while on Town business, or in a Town vehicle. Any employee, volunteer, or other person subject to this Policy who is found possessing, selling, consuming, or being under the influence of alcohol or illegal drugs while on duty will be subject to discipline, up to and including termination. See Section E.3 below for discussion of the use of prescription or over-the-counter drugs.

### 2. Prohibitions for CDL Drivers

All employees required to hold a CDL as part of their position with the Town must always be immediately available to perform any safety-sensitive function and must comply with these rules at all times while on duty and during periods when they may be called into work for emergency situations. The Town will not permit any CDL driver to operate or continue to perform a safety-sensitive function if he or she:

- a. Has an alcohol concentration of 0.04 or greater as indicated by an alcohol test.
- b. Is using alcohol while performing any safety-sensitive function.
- c. Has used alcohol within 4 hours of performing any safety-sensitive function.
- d. Has used marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine ("PCP"), or MDMA (ecstasy).
- e. Has tested positive for marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, PCP, or MDMA (ecstasy).
- f. Has refused to submit to an alcohol or drug test.

### 3. Prescription or Over-the-Counter Drug Use

Any employee, volunteer, or other person subject to this Policy who is using prescription or over-the-counter drugs that may impair that person's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work while under the influence of such prescription or over-the-counter drugs. In accordance with A.R.S. § 36-2813, the Town will not discriminate against a person holding a non-safety sensitive position in hiring, termination, or imposing any term or condition of employment or otherwise penalize an employee based on his/her status as a medical marijuana cardholder or positive marijuana drug test as a qualified patient, unless the employee used, possessed, or was impaired by marijuana in the workplace (i.e. on Town premises, in a Town vehicle, or on Town business) or during the hours of employment, in which case the disciplinary provisions of this Policy will apply.

## F. TESTING AND PROCEDURES

Employees and prospective employees, as a condition of employment, may be subject to alcohol and drug testing for job-related purposes consistent with business necessity, including, but not limited to, pre-employment for safety-sensitive positions, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing. Sections F.3, F.4, and F.6, AND f.7 apply exclusively to CDL drivers.

### 1. Pre-employment Drug Abuse Screening

A negative pre-employment drug test result, verified by a medical review officer, is required before an employee can first perform safety-sensitive functions that require a CDL unless the driver is excused from the pre-employment testing requirement pursuant to 49 C.F.R. § 382.301. Pre-employment testing also pertains to current employees who transfer or are promoted into a position covered by this Section. The Town also may test applicants for positions that engage in safety-sensitive functions to the extent consistent with applicable state and federal law.

## 2. Reasonable Suspicion Testing for Non-CDL Drivers

Reasonable suspicion alcohol and drug tests will be administered as soon as possible when a supervisor or official makes observations concerning the appearance, behavior, speech, or body odors of a non-cdl employee that result in reasonable suspicion that this Policy has been violated. The person making such observations, along with a second management witness, shall record their observations in a signed written statement.

## 3. Reasonable Suspicion Testing for CDL Drivers

Reasonable suspicion alcohol and drug tests will be administered when a supervisor or official who is trained to detect signs and symptoms of illegal drug use or alcohol misuse makes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a cdl employee that result in reasonable suspicion that this Policy has been violated. The person making such observations shall record them in a signed writing within 24 hours of the observations or before the test results are released, whichever is earlier. Reasonable suspicion alcohol testing based on observations of an employee just before, during, or just after performing safety-sensitive functions is to be done within 2 hours of the observation or a written statement must be prepared to explain any delay; after 8 hours, testing will not be conducted, and a written statement of the reasons must be prepared.

## 4. Random Testing for CDL Drivers

Random alcohol and drug tests for CDL drivers will be unannounced and spread reasonably throughout the calendar year. Selection for such tests will be made in accordance with 49 C.F.R. § 382.305 and will ensure that each CDL driver has an equal chance of being tested each time selections are made.

## 5. Post-Accident Testing

Post-accident alcohol and drug testing will be administered in the event of any motor vehicle accident (i) involving the loss of human life or (ii) where the driver receives (within 8 hours of the accident for alcohol testing or within 32 hours of the accident for drug testing) a citation for a moving traffic violation and (a) the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (b) one or more motor vehicles incurred disabling damage requiring the vehicle to be transported away by tow truck or other motor vehicle.

- a. If a post-accident alcohol test is not administered within 2 hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within 8 hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within 8 hours.
- b. If a post-accident drug test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the drug test administered and prepare and maintain on file a record stating the reasons the test was not done within 32 hours.
- c. Copies of such reports and records shall be maintained in both the affected department and in Risk Management.
- d. An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time required to obtain emergency assistance.
- e. The employee may be allowed to return to duty following testing but will not be allowed to drive a vehicle on Town business or perform a safety-sensitive function until the negative test results are received.

## 6. Return-to-Duty Testing for CDL Drivers

After engaging in prohibited conduct regarding alcohol and/or illegal drug use, CDL drivers cannot return to duty requiring the performance of a safety-sensitive function until they have (i) been evaluated by the Substance Abuse Professional ("SAP"), which is defined as a drug and/or alcohol counselor as designated through the Town's Employee Assistance Program, (ii) successfully complied with the education and/or



treatment prescribed by the SAP, and (iii) a return-to-duty test indicating a blood alcohol content ("BAC") of less than 0.02, and/or a negative drug test.

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#### 7. Follow-up Testing for CDL Drivers

Following A determination that a CDL driver needs assistance in resolving problems associated with alcohol misuse or illegal drug use, that driver is subject to unannounced follow-up alcohol and/or drug testing as directed by the SAP. The driver shall be subject to a minimum of six follow-up tests for drugs and/or alcohol in the first 12 months following the driver's return to safety-sensitive functions. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty.

#### 8. Testing Procedures

Any drug testing or alcohol impairment testing will normally occur during, or immediately before or after, a regular work period and will be treated as work time. The Town will pay the actual costs for drug testing and alcohol impairment testing of its employees and prospective employees. The Town will pay reasonable transportation costs to current employees if tests are conducted at a location other than the employee's normal work site. Testing will be conducted by a Town selected and approved medical facility or laboratory.

The substances that may be tested for include (i) alcohol and (ii) drugs that are circumscribed by A.R.S., Title 13, Chapter 34, including Amphetamines, Cannabinoids (THC), Cocaine, Opiates, PCP, Barbiturates, Benzodiazepines, Methadone, Propoxyphene, and Oxycodone and the drugs circumscribed by federal law, including marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, PCP, and MDMA (ecstasy), and any substance considered unlawful under the schedules of the controlled substances section of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Drug or alcohol impairment tests may require an employee to provide a sample of blood, breath and/or urine.

To ensure the accuracy and fairness of the testing program, all testing will be conducted according to A.R.S. § 23-493.03 and Substance Abuse and Mental Health Services Administration guidelines where applicable. Testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a medical review officer, including the opportunity for employees who test positive to provide any information that may be considered relevant to the test, such as a physician's prescription; and a documented chain of custody. Samples will be collected under reasonable and sanitary conditions. Samples will be collected, labeled, stored, and transported in a manner reasonably designed to preclude the possibility of contamination, adulteration, or misidentification.

All testing for CDL drivers will be conducted (i) in accordance with applicable federal requirements and (ii) using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services.

### G. CONSEQUENCES OF VIOLATING THIS POLICY

#### 1. General Town Employees

Any employee who tests positive for illegal drugs or above 0.04 BAC, who refuses to test, or who otherwise fails to participate in this Policy to the Town's satisfaction may be subject to discipline up to and including termination.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be sent home on administrative leave with pay for a minimum of 24 hours and must retest prior to returning to duty. If upon retest, the employee has a BAC greater than 0.02, the employee may be subject to discipline up to and including termination.

Upon request, employees who test positive may explain the positive test result in a confidential setting.

The appropriate level of discipline will be determined on a case-by-case basis at the Town's discretion and may include treatment or rehabilitation under terms established by the Town. The Town may reassign an employee in any particular job classification or position after the employee, either voluntarily or as the result of a positive alcohol or drug test, seeks treatment or rehabilitation, unless otherwise required by law.

## 2. CDL Drivers

Any CDL driver who tests positive for illegal drugs or alcohol above 0.04 BAC or who refuses a test will immediately be removed from safety-sensitive functions and referred to an SAP. Such driver may not return to safety-sensitive functions until an SAP has performed an evaluation and the driver has completed any recommended treatment as well as submitted to and tested negative on a return-to-duty test.

Following a BAC of 0.02 or greater, but less than 0.04, a CDL driver will immediately be removed from safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test, and a negative alcohol impairment test.

CDL drivers who violate this Policy shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b) and may be subject to discipline up to and including termination.

## 3. Prospective Employees

Any prospective employee who tests positive or refuses to test may have the offer of employment withdrawn and the Town may refuse to hire him/her (Except for those in non-safety-sensitive positions who are a medical marijuana cardholder and test positive for marijuana as a qualified patient). An applicant who is not hired because of a positive test result may not reapply for a period of 6 months, except that applicants for police who test positive will remain ineligible for rehire.

## H. ASSISTANCE

The Town recognizes that alcohol and drug abuse and addiction are treatable illnesses. The Town also realizes that early intervention and support improve the success of rehabilitation. To support its employees, this Policy:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
2. Offers assistance with drug and alcohol problems to all eligible employees and their family members through the Employee Assistance Program.

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you may request a leave of absence for this purpose, which may be covered leave under the Family and Medical Leave Act, ADA or other laws under certain circumstances. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this Policy. If you need assistance in seeking this help, you may contact the Employee Assistance Program. No one will be discriminated against for undertaking rehabilitation.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

## I. CONFIDENTIALITY; RESULTS

All information received by the Town through the drug- and alcohol-free workplace program is confidential communication and will be maintained in separate confidential records. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws, including without limitation A.R.S. § 23-493.09, and management policies. Tested employees have the right to obtain their written test results if they request them.

## J. SHARED RESPONSIBILITY

A safe and productive drug- and alcohol-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs.

In addition, employees are encouraged to:

1. Be concerned about working in a safe environment.
2. Support fellow workers in seeking help.
  
3. Use the Employee Assistance Program.
4. Report dangerous behavior to their supervisor.

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It is the supervisor's responsibility to:

5. Inform employees of this Policy.
6. Observe employee performance.
7. Investigate reports of dangerous practices.
8. Document negative changes and problems in performance.
9. Counsel employees as to expected performance improvement.
10. Refer employees to the Employee Assistance Program.
11. Clearly state consequences of Policy violations.

#### K. COMMUNICATION

Communicating this Policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting our drug- and alcohol-free workplace program:

1. All employees will receive a written copy of this Policy.
2. All CDL drivers shall sign a statement certifying that they have received a copy of this policy.
3. This Policy will be reviewed in orientation sessions with new employees.

#### L. OTHER LAWS

This Policy will be construed in accordance with federal, state and local laws, including without limitation, the Americans with Disabilities Act, the Family Medical Leave Act and the OMNIBUS Transportation Employee Testing Act of 1991.

### **Section 10. Federal Motor Carrier Safety Administration ("FMCSA") Clearinghouse** (Res. 2271/08-20)

- A. General. This section applies to all Commercial Driver Licensed (CDL) employees and is in addition to the provisions of Section 9 above. If any provision of Section 9 conflicts with this section or the provisions of 49 CFR Part 382, the provisions of this section and 49 CFR Part 382 shall apply. The Town and all CDL employees are federally mandated to comply with the reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382.
- B. Consent to Clearinghouse Reports. CDL employees shall provide the necessary consent for the Town to perform clearinghouse queries, including electronic authorization for all full queries. If a CDL employee fails to provide such consent, then the CDL employee is unable to perform safety-sensitive functions under federal law and the CDL employee will be removed from duty. The refusal to provide consent shall also be considered a violation of this policy and the CDL employee may be subject to disciplinary action, including termination.
- C. The Human Resources Director is responsible for ensuring that drug and alcohol testing required by 49 CFR Part 382 is performed in compliance with that regulation.
- D. The Human Resources Director shall prepare educational materials to comply with 49 CFR §382.601. The Human Resources Director shall provide the educational materials to each CDL employee prior to the start of alcohol and controlled substances testing and to each CDL employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- E. The Human Resources Department is responsible for making queries required by the Drug and Alcohol Clearinghouse as set forth in 49 CFR §382.701, for compliance with the reporting requirements set forth in 49 CFR §382.705

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## **RULE 4.        APPLICATIONS AND APPLICANTS**

### **Section 1.        EMPLOYMENT PREFERENCE**

In filling new positions or vacancies in the classified service, and when feasible, an announcement shall first be posted in at least three (3) separate buildings occupied by Town employees, one of which shall be the Town Hall. Existing members of the classified service shall have preference if all other employment factors are equal. The Human Resources Director, along with the appropriate department head, shall within fifteen (15) days after posting, determine if one or more qualified and existing employees are available to fill the position from within the classified service. If no existing employee is determined to qualify for the position, then and in that event, the procedure set forth in the remaining sections of Rule 4 shall be followed.

### **Section 2.        ANNOUNCEMENTS**

All positions available in the classified service shall be publicized by publishing an advertisement in a newspaper of local circulation, and by posting announcements in the Town Hall on official bulletin boards and by such other methods as the Human Resources Director deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, preparation desirable for the performance of the work class, the manner of making applications and other pertinent information.

### **Section 3.        APPLICATION FOR EMPLOYMENT**

All candidates for employment must apply through the Human Resources Director and complete a proper application form for employment. Applications shall be made as prescribed on the position announcements. Application forms shall require information covering training, experience and other pertinent information. The person submitting the application must sign all applications.

## **RULE 5.        CLASSIFICATION**

### **Section 1.        PREPARATION OF PLAN**

The Human Resources Director or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the classified service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

### **Section 2.        ADOPTION, AMENDMENT AND REVISION OF PLAN**

The classification plan shall be adopted and may be amended from time to time by the Town Council. At the time of consideration, any interested party may appear to be heard. Amendments and revisions of the plan may be suggested to the Town Council by any interested party and shall be submitted to the Town Council through the Human Resources Director.

### **Section 3.        ALLOCATION OF POSITIONS**

Following the adoption of the classification plan, the Human Resources Director, with the advice of the department heads concerned, shall allocate every position in the classified service to one of the classes established by the plan.

### **Section 4.        NEW POSITIONS**

When a new position is created, the classification plan shall be amended to provide therefore, and an appropriate employment list shall be established for such position.

### **Section 5.        RECLASSIFICATION**

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Town Council with the advice of the Human Resources Director and department heads concerned, to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

**RULE 6.      EXAMINATIONS**

**Section 1.      NATURE AND TYPES OF EXAMINATIONS**

The selection and techniques used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which fairly, without discrimination or favoritism, measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of validated selection techniques, which will test fairly the qualifications of candidates. A reasonable accommodation will be offered to an otherwise qualified individual with a disability if necessary.

**Section 2.      PROMOTIONAL EXAMINATIONS**

Promotional examinations may be conducted whenever, in the opinion of the Human Resources Director, the needs of the service require. Only permanent or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

**Section 3.      NOTIFICATION OF EXAMINATION RESULTS**

Each candidate in an examination shall be given written notice of the results thereof, and if successful, the candidate's final earned score and/or rank on the employment or promotional list shall also be provided.

**RULE 7.      EMPLOYMENT LISTS**

**Section 1.      EMPLOYMENT LISTS**

As soon as possible after the completion of an examination, the Human Resources Director shall prepare and keep available, an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores or ranks from the highest to the lowest qualifying score.

**Section 2.      DURATION OF LISTS**

Employment lists shall remain in effect for one (1) year, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event shall an employment list remain in effect for more than two (2) years.

**Section 3.      REMOVAL OF NAMES FROM LISTS**

The name of any person appearing on an employment or promotional list shall be removed by the Human Resources Director upon written request by the eligible person, if the eligible person fails to respond to a notice of certification mailed to the last known address, or for any of the reasons specified in Rule 3, Section 2, of these rules. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.



**RULE 8.        METHOD OF FILLING VACANCIES**

**Section 1.        TYPES OF APPOINTMENT**

All vacancies in the classified service shall be filled by transfer, promotion, demotion, re-employment, reinstatement, or from eligible certified by the Human Resources Director from an appropriate employment list, if available. In the absence of persons eligible for employment in these ways, provisional appointments may be made.

**Section 2.        PROVISIONAL APPOINTMENT**

In the absence of there being an individual on appropriate employment lists who is willing to accept appointment, a provisional appointment may be made by the Human Resources Director of a person meeting the minimum training and experience qualifications for the position. Upon satisfactory completion of probation, the provisional appointee shall become a permanent employee.

## **RULE 9. PROBATIONARY PERIOD**

### **Section 1. REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD**

All original appointments and/or reappointments shall be tentative and subject to a probationary period of six (6) months for all employees, except employees of the fire department and police department, who shall be subject to a probationary period of one (1) year of actual service, provided however, that the Human Resources Director may establish a longer probationary period for specified classes of employees or for individual employees. Employees transferring or promoting will only serve a ninety (90) day probationary period for all employees, except employees of the police department and fire department, who will serve a six (6) month probationary period. At the end of the probationary period, the Human Resources Director shall enter into the employee's personnel record, his or her decision to either retain the employee or to dismiss the employee. In the case of employees that require a certification, license, or other credential as a requisite to the practicing of their profession of occupation, the probationary period shall not commence until said certification, license or other requisite credential has been obtained by the employee.

### **Section 2. EXTENSION OF PROBATION**

Probation may be extended one (1) time for a maximum period of ninety (90) days with the approval of the Human Resources Director.

### **Section 3. OBJECT OF PROBATIONARY PERIOD**

The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position.

### **Section 4. REJECTION OF PROBATION**

During the probationary period, his or her supervisor may reject an employee after approval of the Human Resources Director, without cause and without right of appeal. Probationary status without right of appeal is continuous until the employee is notified that they have successfully completed probation or is terminated during or at the end of probation. Notification of rejection in writing shall be forwarded to the probationer and a copy filed with the probationer's file.

## **RULE 10. ATTENDANCE AND LEAVES**

### **Section 1. ATTENDANCE**

Employees shall be in attendance at their work in accordance with the rules regarding hours of works as indicated in Subsections “A” and “B” below, holidays and leaves. All departments shall keep daily attendance records of employees, which shall be reported to the Human Resources Director in the form and on the dates the Human Resources Director, shall specify. An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject for disciplinary action. In the absence of such disciplinary action, any employee who absents him or herself for three (3) consecutive days without leave shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

All full time employees shall be allowed to cease work for a lunch period to be specified by department heads and shall not be paid for that time. The lunch period will ordinarily last from thirty (30) to sixty (60) minutes depending on Department Policy. Exceptions to this rule will be for employees who are required to be on active standby during their designated lunch period, they shall be compensated for their time. Ⓔ

Rest breaks of ten (10) to fifteen (15) minutes may be granted at individual Department Head’s discretion as a principle of sound personnel management, not as a right of employment. Break time may not be taken at the beginning or end of a work shift, immediately before or after lunch, be applied towards an alternative work schedule, or be used as leave time from the job. Break time is calculated as the time an employee is not working; non-work related travel time included, and does not mean the time spent at the place where the break is taken. Ⓔ

- A. Town Hall Employees: The working hours for all Town Hall employees shall be 7:00 a.m. to 6:00 p.m., Monday through Thursday, with one (1) hour off for lunch. Absence on a scheduled workday will be charged as ten (10) hours of leave. Ⓔ
- B. Police and Fire Employees: The working hours for the Police and Fire Department will be such that they will have twenty-four (24) hour coverage for the Town. Employee hours and shifts will be set by the Departments.f
- C. Public Works and Parks, Recreation & Facilities Departments f - Employee hours and days worked will be set by the department to provide adequate coverage for all projects, events and activities including activities on the weekend. (Res. 1731)

Ⓔ Res. 1519/5-06  
f Res. 1527/6-06  
Ⓔ Res. 1623/10-09  
Res. 1731 / 01-14

**Section 2. ANNUAL VACATION LEAVE E**

Vacation time will be granted to full-time permanent employees upon the employee submitting a five (5) day written notice to the department head. The time at which an employee shall take his or her vacation shall be determined by the Department Head with due regard for the wishes of the employee and particular regard for the need of their service. Employees may be granted vacation upon shorter notice if special circumstances are shown and at the discretion of the department head or Town Manager. Vacation entitlement is based upon full-time years of service and time worked as follows: ☆

<b>YEARS OF SERVICE</b>	<b>ANNUAL VACATION ENTITLEMENT J</b>	<b>ANNUAL VACATION ENTITLEMENT (24-HOUR SHIFT FIRE DEPARTMENT EMPLOYEES)</b>
After First Six (6) Months	40 Hours	60 Hours
After First (1 <sup>st</sup> ) Year	40 Hours	60 Hours
After Second (2 <sup>nd</sup> ) Year	80 Hours	120 Hours
After Fifth (5 <sup>th</sup> ) Year	120 Hours	180 Hours
After Sixth (6 <sup>th</sup> ) Year	128 Hours	192 Hours
After Seventh (7 <sup>th</sup> ) Year	136 Hours	204 Hours
After Eighth (8 <sup>th</sup> ) Year	144 Hours	216 Hours
After Ninth (9 <sup>th</sup> ) Year	152 Hours	228 Hours
After Tenth (10 <sup>th</sup> ) Year	160 Hours	240 Hours
After Fifteenth (15 <sup>th</sup> ) Year	176 Hours	264 Hours
After Twentieth (20 <sup>th</sup> ) Year	200 Hours	300 Hours
After Thirtieth (30 <sup>th</sup> ) Year	208 Hours	312 Hours
After Thirty-First (31 <sup>st</sup> ) Year	216 Hours	324 Hours
After Thirty-Second (32 <sup>nd</sup> ) Year	224 Hours	336 Hours
After Thirty-Third (33 <sup>rd</sup> ) Year	232 Hours	348 Hours
After Thirty-Fourth (34 <sup>th</sup> ) Year	240 Hours	360 Hours

Salaried employees' vacation days shall be converted into vacation hours and shall be credited to each employee upon successful completion of the six (6) month probation. Beginning July 1, 2013, vacation will be accrued each pay period and will appear on the paystub. Employees will have one year to reduce their vacation to a maximum of 240 hours and 336 hours for 24-hours shift fire department employees at any time on their paycheck. After June 30, 2014 employees will lose any vacation in excess of 240 hours/336 for 24-hour shift fire department employees. Earned vacation posted through the previous pay period will be paid upon termination of employment. No vacation leave will be paid, if an employee does not successfully complete their probationary period. ☆ (Res 1731)

An employee may be paid for his or her vacation days that he or she has accumulated in excess of 80 hours which have been earned. During any fiscal year, an employee shall be entitled to only four payments for earned vacation. ☆ (Res 1731)

Employees are encouraged to take vacation in at least weekly increments to enjoy the full benefits of rest. However, vacation time may be requested in no less than one-hour increments and may be granted at the discretion of the Department Head. Employees may, but shall not be required to, donate some or all of his or her credited vacation days to an employee who has exhausted his or her sick leave and credited vacation leave, and one (1) day has lapsed during which time the employee remains sick or disabled and is not entitled to salary or wages from the Town.

◆ Res. 1568/3-3-08  
 E Res. 1593/10-20-08  
 ☆ Res. 1687/10-12  
 ☆ Res. 1699/07-01-13  
 Res. 1731 / 01-14

### **Section 3. SICK LEAVE**

#### **A. Requirements for Taking Sick Leave J**

Sick leave, with pay, shall be available for use by employees who have been in the employment of the Town for ninety days or more. Full-time permanent employees accrue sick leave from the date of employment, and at the rate of eight (8) hours per month and 11.2 hours per month for 24-hour shift fire department employees and said accrued sick leave shall be credited each pay period. Part-time, temporary and seasonal employees accrue sick leave from the date of employment at a rate of one hour for every thirty hours worked. No sick leave with pay will be available for use by the employee during the first ninety days of employment.

Sick leave shall not be considered a privilege which an employee may use at his or her own discretion, but shall be allowed only in case of necessity and employee's or employee's family member's actual mental or physical illness, injury, or other health condition; or need for diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for preventative medical care; or to meet dental appointment. Sick leave for doctors or dentist appointments shall be requested, in writing, at least twelve (12) hours in advance of the appointment, if known. Employees who use sick time for illness of family members may use up to three (3) working days without requiring a physician's certificate by giving the same notice as outlined below. More than three (3) working days may be granted subject to approval by immediate supervisor and Human Resources Director prior to use. Employees who have or whose spouse, child or parent has a serious health condition as defined in Section 16 may be eligible for Family and Medical Leave of Absence, pursuant to Section 16. Such employees must follow the procedures set forth in Section 16 in order to receive Family and Medical Leave. Sick leave may also be used for a public health emergency or due to domestic violence, sexual violence, abuse or stalking for The employee or employee's family member, as set forth in A.R.S. § 23-373.

To receive compensation while absent on sick leave, the employee shall notify his or her immediate supervisor or the Human Resources Director prior to the time set for the beginning of his/her daily duties. When absent for more than three (3) successive working days, the employee shall be required to file a physician's certificate with the Human Resources Director stating the nature of illness or injury or in the case of domestic violence, sexual violence, abuse, stalking or public health emergency the employee shall be required to file reasonable documentation, as set forth in A.R.S. § 23-373(G). A request form for sick leave must be filled out immediately upon the employee's return to work. One (1) day per year of sick leave may be used as personal leave at the discretion of the employee, without disclosure of the reason, with advance notice given and subject to approval of the employee's immediate supervisor. Accrued sick time cannot be paid upon termination of employment. Employees may accumulate a maximum of 960 hours of sick leave. Part-time, temporary and seasonal employees may accrue no more than 40 hours of sick leave per fiscal year.

### **Section 4. USE OF DONATED LEAVE**

An employee returning from military leave taken pursuant to Section 6 of this Rule may receive up to two (2) weeks of donated vacation leave, compensatory time and Sick A, as long as the employee has exhausted all his or her other leave opportunities. J

An employee not working due to sickness or injury, shall be allowed to use donated vacation leave, compensatory time and Sick A, at the rate of pay of the employee receiving the donated leave, from one or more other Town employees, but only after all of the following conditions have been met: Ⓜ

Res. 1549/6-07  
J Res. 1642/8-10  
E Res. 1593/10-20-08  
Res. 1731 / 01-14  
Res. 1787 / 11-14  
Res. 2045 / 5/17

- A. The employee demonstrates the need for additional leave to the satisfaction of the Town's Human Resources Director, who may require a physician's certificate.
- B. The absent employee has exhausted, at least one (1) day earlier, all salary, wages, all of his or her sick leave pay and all of his or her credited vacation leave pay.
- C. The employee is not drawing Workmen's Compensation Insurance or disability benefits under the Social Security Act.
- D. The employee has been employed at least one hundred eighty (180) days by the Town prior to becoming sick or disabled, and is not under suspension or has not been terminated from his or her employment with the Town.

**Section 5. LOSS OF BENEFITS FOR EXTENDED ILLNESSES**

Employees who are off work because of illness or injury and have exhausted all of their wages or salary, sick leave, credited vacation leave, and donated vacation leave shall be considered an "Employee Without Benefits" as that term is defined in Rule 1 of these *Personnel Rules and Regulations*.

**Section 6. MILITARY LEAVE** (Res. 1642/8-10) (Res. 2166 – 08/18)

- A. IN GENERAL - Leaves of absence for military, reserve or National Guard duty are granted to full-time regular and part-time regular employees in accordance with Federal and State law. Pursuant to ARS § 38-610, as amended, employees shall be granted military leave without loss of time, pay or efficiency rating for a period not to exceed thirty (30) days in any two consecutive years. If an employee's military leave exceeds thirty (30) days in any two consecutive years, the employee shall be granted leave of absence without pay in accordance with Federal and State law. For the purposes of this section "year" means the fiscal year of the United States Government.
- B. USE OF PAID MILITARY LEAVE – An employee shall not be charged military leave time for days on which the individual would not otherwise be scheduled for work.
- C. NOTICE - If an employee is called to active military duty or to Reserve or National Guard training or if an employee volunteers for the same, the employee should notify his/her supervisor and submit copies of the military orders to him/her as soon as practicable.
- D. REINSTATEMENT – An employee's eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws.
- E. VACATION ACCRUALS – An employee shall continue to accrue annual vacation leave in the manner set forth in Section 2 of this rule during the time that the employee is on military leave.

**Section 7. MATERNITY/PATERNITY LEAVE**

Maternity and paternity leave may be granted to employees under the terms, conditions and regulations as set forth in the Family and Medical Leave provisions set forth in Section 15 of this Rule (10).

**Section 8. LEAVE WITH PAY**

Leave with pay for sufficient cause (including illness) may be granted to permanent employees of the Town upon determination by the Human Resources Director, up to and including five (5) consecutive working days or ten (10) total working days in any twelve (12) month period. More extended periods of leave with pay may not be granted except by express approval of the Town Council.

**Section 9. JURY LEAVE**

All classified employees of the Town who are called or with the Town during the period of such service or while necessarily being present in court as a result of such call, the Town will pay the difference between jury pay and the employee's pay so as to maintain regular rate of pay. The Town may request employee to be excused from jury duty.

**Section 10. SUBPOENA LEAVE**

All classified employees of the Town shall be entitled to be exempt from their duties with the Town when required to appear in Court as a witness under a subpoena. If the Court appearance is on Town business, the employee will be reimbursed at full salary for work hours missed.

## **Section 11. ADMINISTRATIVE LEAVE**

The Town Manager may place an employee on Administrative Leave for a reasonable period to permit an Administrative Investigation or to allow for due process in dismissal proceedings. Employees on Administrative Leave shall receive his/her regular salary. All regular leave and benefits shall continue to accrue during the Administrative Leave. During any Administrative Leave, the employee shall stay available during regular work hours for possible contact by the Town. The employee shall provide a telephone number by which he or she can be reached during business hours. ♦

## **Section 12. FUNERAL LEAVE**

In the event of a death in the immediate family, time off with pay to attend the funeral shall be granted. This shall consist of one (1) to four (4) days depending on the circumstances, within the period commencing with the date of death and ending with the day after the funeral; and be granted by arrangement with the Human Resources Director; provided, however, that the maximum is three (3) days for a death occurring in-state and four (4) days maximum for a death outside of the state, with the fourth (4<sup>th</sup>) day being considered a travel day. Additional leave time may be considered depending on the circumstances with prior approval of the Human Resources Director and shall be charged to the employee's vacation time. Immediate family is defined as spouse, children, grandchildren, mother, grandmother, father, grandfather, sister, or brother of employee or spouse. Time off without pay to attend a funeral of a more distant relative or friend may be allowed with prior approval of the Human Resources Director.

## **Section 13. MISCELLANEOUS LEAVE**

In cases of special hardships, or in other cases not provided for in these regulations, the Human Resources Director may grant short-term leaves. ¶ Time off on general election days will be in accordance with Arizona State Law (A.R.S. §16-402).

## **Section 14. HOLIDAYS ☑**

Full-time employees of the Town shall be entitled holidays as determined annually by the Town Manager. The holiday schedule shall be finalized no later than November 20<sup>th</sup> for the following calendar year. When an employee works through a holiday as one of their normal working days, the employee will be paid at the regular rate of pay for the actual hours worked in addition to the holiday pay. Part-time employees shall be entitled to half the number of hours designated for their Department, provided they work during the holiday pay-period.

## **Section 15. FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY ✎**

### **A. FAMILY AND MEDICAL LEAVE:**

1. Town of Wickenburg employees employed for twelve (12) months or more (consecutive or non-consecutive) AND who have worked at least 1,250 hours in the preceding year, may qualify for a maximum of twelve (12) weeks of leave per year for one (1) or more of the following reasons:
  - The birth of the employee's child and in order to care for the child during the first year of birth;
  - The adoption of a child by the employee, or the placement of a child with the employee for foster care, and in order to care for the child during the first year of placement; or,
  - To care for a spouse, child or parent who has a serious health condition or due to the employee's own serious health condition.

Where employment has not been consecutive, an employee is eligible if the break in service has been no longer than seven (7) years unless; 1) the break in services resulted from an employee's fulfillment of National Guard or Reserve military service; and, 2) where a written agreement exists concerning the employer's intention to rehire the employee after the break in service. For purposes of calculating the 1,250 hours-within-12-month requirement, the town will count the time an employee would have worked but for the employee's fulfillment of National Guard or Reserve military obligations.

Eligible employees shall concurrently deplete their Family and Medical Leave (FMLA) together with accrued leave, donated leave or approved injury leave. Where an employee would normally be required to work overtime but cannot do so because of an FMLA-qualifying condition, then the employee may be charged FMLA leave for the hours not worked.

2.  Serious Health Condition  - For purposes of FMLA, a “serious health condition” entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves inpatient care as used in this policy or continuing treatment by a health care provider as used in this Policy.

- a. The term “incapacity” means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.
- b. The term “treatment” includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). A regimen of continuing treatment that includes taking over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- c. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of the section are met.
- d. “Inpatient Care” means an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.
- e. “Continuing Treatment” means a serious health condition involving continuing treatment by a health care provider includes any one (1) or more of the following:

Incapacity and Treatment means a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- i. Treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse, under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or,
- ii. Treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.



The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period shall be determined by the health care provider. The term “extenuating circumstances” means circumstances beyond the employee’s control that prevent the follow-up visit from occurring as planned by the health care provider.

3. Chronic Conditions -

- a. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which (1) requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (2) continues over an extended period of time, including recurring episodes of a single underlying condition; and, (3) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- b. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.
- c. Any period of absence to receive multiple treatments, including any period of recovery therefrom, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for: (1) restorative surgery after an accident or other injury; or (2) a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).
- d. Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

4. Leave Request Procedure - An employee requiring leave must submit a written request to his or her supervisor stating the reason for the leave and the expected beginning and ending date of the leave. When the need for leave is foreseeable, such as an expected birth or adoption or for a planned medical treatment, the employee must request leave at least thirty (30) days before the leave period is expected to begin. However, when such advance notice is not possible, a leave request shall be submitted as soon as practicable before the beginning of the leave. (In the event of a medical emergency, leave may be requested orally as soon as reasonably possible by either the employee or a responsible family member if the employee is unable to make the request, provided that the employee should submit a written leave of absence request as soon as he or she is able). A failure to provide adequate notice prior to a requested leave date may result in postponement of the date on which leave may begin. ✍ Calling in “sick” without further information is not sufficient to trigger FMLA leave protections. When leave is anticipated for the purposes of medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the leave, including intermittent or reduced schedule leave, so as not to unduly disrupt normal business operation. When leave is requested due to a serious health condition of the employee or a family member, the Town reserves the right, for justifiable cause, to require the employee to attempt to reschedule medical treatment relating to the condition, subject to the ability of the health care provider to reschedule the treatment and the approval of the health care provider to any modification of the treatment schedule.

5. Medical Certification - For leave due to a serious medical condition of the employee or a family member, the Town requires the submission of a medical certification signed by the licensed health care provider treating the employee or affected family member. ✍ This certification shall be provided before leave is possible, but in no event within five (5) business days after the employee notifies the Town of the need for FMLA leave. While the town may contact an employee's health care provider directly (with employee's consent), in no event shall the employee's direct supervisor make such contact. The Town also reserves the right to require medical recertification from time to time during the leave period, but not more than once every thirty (30) days if the minimum duration of the condition is longer than thirty (30) days. The town further reserves the right to obtain a second medical opinion with respect to any medical certification provided on behalf of an employee or family member. The necessary certification forms will be provided upon receipt of the employee's Leave Of Absence request. A failure to complete and submit an adequate medical certification form in a timely manner may result in denial or postponement of the leave or denial of continuation of the leave.
6. Pay Status - An employee going on leave must utilize all accrued and unused sick leave and vacation as part of his or her leave period, and will receive all normal and customary pay for sick leave and vacation time used, ✍ unless this is a Worker's Compensation Leave, then they have the option of using leave time. However, if these benefits are exhausted prior to the end of the leave, the remainder of the leave will be without pay. Sick leave and vacation benefits will not continue to accrue during leave periods.
7. Benefits - The Town will make its normal contributions for health insurance premiums for an employee on approved leave at the same rate and in the same manner paid while the employee is present at work. For paid portions of a leave, premium payments, which are the employee's responsibility, will be deducted from pay in the normal manner. Any portion of insurance premiums that are the employee's responsibility during unpaid leave must be paid on the date payroll premium deductions are normally made. A failure to make required insurance premium payments while on leave might result in the loss of insurance coverage. The Town also reserves the right to recover all insurance premium payments on behalf of an employee during leave in the event the employee fails to return to work following the expiration of his or her leave period unless the failure to return is due to a continuation, recurrence, or onset of a serious health conditions or other circumstances beyond the employee's control.
8. Return From Leave - An employee returning to work upon the expiration date of his or her leave will be reinstated to the previous position held or to an equivalent position with the same pay and benefits. Upon return from a leave due to the employee's serious health condition, the employee must provide a medical certification that the employee is physically able to resume work prior to being reinstated. If, at any time during a leave, an employee determines that he or she will not return to work upon the expiration of the designated leave period, the supervisor should be advised of the fact in writing as soon as possible. Reinstatement following a leave may be denied if (1) The employee's position is eliminated or a layoff occurs during the leave period; (2) Leave is fraudulently obtained; (3) The employee fails to return to work after using his or her twelve (12) weeks of leave entitlement during the leave year; or, (4) For any other reason permitted by law.

## B. MILITARY CAREGIVER LEAVE

Eligible employees shall be granted job protection for a cumulative total of up to twenty-six (26) weeks (or the corresponding number of work hours) of military caregiver leave in a single twelve (12) month period based on a per-service member, per-injury entitlement. For example, an eligible employee may take twenty-six (26) weeks in a twelve (12) month period to care for a covered service member and then may take another twenty-six (26) weeks in another twelve (12) month period to care for the same service member with a subsequent injury or illness or to care for another covered service member. Employees are limited to twenty-six (26) weeks of military caregiver leave when leave is requested to care for multiple service members in a single twelve (12) month period. If an employee does not use the full twenty-six (26) weeks in a single twelve (12) month period, the remaining workweeks are forfeited. The "single twelve (12) month period" for military caregiver leave begins on the first day the employee takes leave and ends twelve (12) months after that date. Military caregiver leave is available to care for the employee's spouse, son, daughter, parent or next of kin whose serious illness or injury is due to his or her military service. The Town may seek reasonable documentation of the familial relationship.

## C. QUALIFYING EXIGENCIES FOR NATIONAL GUARD AND RESERVES PERSONNEL AND FAMILY

Families of National Guard and Reserves active or retired personnel on active duty may also be granted leave to manage their affairs for qualifying exigencies. Qualifying exigencies are:

1. Short term deployment;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and recuperation (limited to five (5) days of leave for each instance);
7. Post-deployment activities;
8. Additional activities where the Town and employee agree to the leave.

Qualifying exigency leave is not available for those on active duty or call to active duty status in support of a contingency operation as a member of the regular armed forces.

The town may require employees to provide a copy of the military member's active duty orders or other military-issued documentation that indicates that the covered military member is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and the dates of the active duty services. The town may also require employees to support a request by providing a certification that contains a description of the facts qualifying the exigency leave, the approximate dates the leave will begin and end, and if the leave involves a third party then appropriate contact information for the third party and description of the meeting.

## **RULE 11. DISCIPLINE**

### **Section 1. DISCIPLINARY ACTIONS**

Disciplinary actions are: oral reprimands, written reprimands, suspensions, demotions, and terminations. Employees in the classified service shall have the right to appeal, under Rules 20, 21 or 22, an Adverse Personnel Action as defined in Rule 1. Please see Rules 20, 21 or 22 for specific timelines and procedures.



### **Section 2. GROUNDS FOR DISCIPLINARY ACTION**

Grounds for imposing disciplinary actions include, but are not necessarily limited to the following: ♦

1. Falsification of application for employment.
2. Chronic absenteeism.
3. Chronic tardiness.
4. Malingering.
5. Insubordination.
6. Conviction of a crime involving moral turpitude.
7. Incompetence in the performance of assigned duties.
8. Prohibited political activities.
9. Favoritism on the part of a supervisory employee.
10. Discrimination on the part of a supervisory employee against any employee on the basis of race, color, sex, age, disability, place of national origin, political or religious affiliations, or personal dislike.
11. Any action, on or off the job, tending to bring discredit on the Town service.
12. Alcohol or drugs.
13. Violation of any of these regulations.

It is the intention of the Council that oral reprimands and written reprimands be used first, then suspensions and demotions, and finally terminations. However, where the seriousness of the grounds for disciplinary action warrants, any of these actions may be taken, without first having taken any other disciplinary action. ♦

Oral reprimands and written reprimands are appropriate where any of the above grounds for disciplinary action exist, but where the employee's conduct is not so serious as to warrant a more serious disciplinary action. Nothing shall prohibit imposition of a suspension with or without pay, demotion or termination even though the employee did not first receive an oral reprimand or written reprimand for the same or similar conduct. ♦

If a Supervisor believes that an employee should be terminated, he or she shall make a recommendation to the Department Head who will refer it to the Human Resources Director for action, in accordance with Rule 20 of these Personnel Rules and Regulations. ♦

## **RULE 12.      COMPENSATION**

### **Section 1.      PREPARATION OF PLAN**

The Human Resources Director or the person or agency employed for that purpose shall prepare a pay plan covering all classes or positions in the classified service. In arriving at salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and private employment, to current costs of living, to suggestions of department heads, to the Town's financial condition and policies, and to other relevant factors. The Human Resources Director, or the person or agency employed for that purpose, shall thereafter make such further studies of the pay plan as may be requested by the Town Council.

### **Section 2.      ADOPTION OF PLAN**

The pay plan shall be adopted and may be amended from time to time by action of the Town Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the Town Council by any interested party or the Human Resources Director and shall be submitted to the Town Council through the Human Resources Director. Ω

### **Section 3.      ON-CALL (STANDBY) AND CALL-BACK STATUS** (Ord. 2258 / 03-16-20)

Nonexempt employees may be required to be available and/or to work outside the regular schedule. The two types of status and pay related to those circumstances are on-call (standby) and call-back.

Exempt employees are paid a salary that reflects the full responsibility of the position, including being on-call or being called back to work, and are not eligible to receive on-call or call-back pay.

On-call (standby) and call-back status is permitted to only approved departments and positions as deemed necessary by the Town Manager.

#### **A. On-Call (standby) status**

1. On-call (standby) status is a designated shift within any twenty-four (24) consecutive hours. Such shifts may vary in beginning and ending times from department to department and are subject to change by administrative decision as dictated by workload needs. On-call shift hours usually coincide with regular shift hours. Any employee may be assigned to an on-call status, which requires the employee to be accessible, available, and able to report for duty if called.
2. Department heads are responsible for determining the need for on-call availability and for assigning employees to on-call status. The supervisor of the employee assigned to on-call status shall maintain a roster of all qualified employees who may be required to be on-call. An equitable rotation policy shall be followed in requiring employees to be on-call. Employees will be given at least 2 weeks' notice to the assigned on-call duty unless agreed upon by the assigned employee or under circumstances where the town's operations demands necessitate shorter notice.
3. Employees must be available to respond twenty-four (24) hours per day and serve as the primary after-hours contact to dispatch. Employees are provided an on-call phone. If phoned, the initial call must be answered, if not answered the call must be returned immediately, but no later than five (5) minutes. If a physical response is required, the employee must respond to the designated site within thirty (30) minutes of original notification. If an employee is unable to fulfill the duty of on-call they must notify their supervisor immediately.
4. To transfer on-call duty to another employee, the employee must receive written approval from a supervisor.

#### **B. On-call (standby) pay**

1. On-call pay may be provided at \$1.75 per hour of non-hours worked or scheduled. The employing department will choose a single level of on-call pay that will be provided to all non-exempt employees in on-call status.
2. On-call pay is paid as a base hourly rate and is not subject to overtime requirements.

C. Call-back status

1. When an employee is called back to work at any time not previously scheduled, the employee is in call-back status.
2. De minimus time worked, less than fifteen (15) minutes, and that which does not require physically responding will be considered already compensated under the responsibilities of on-call.

D. Call-back pay

A nonexempt employee who is called back to work from on-call status or otherwise at a time not previously scheduled shall receive call-back pay as follows:

1. A minimum of two (2) hours pay at base hourly rate. If actual hours worked meets the town's overtime requirement policy, then the employee is paid per the overtime requirement at one and one-half (1 1/2) times their base hourly rate. Employees who are called back will receive a minimum of two (2) hours pay even if actual time worked on call-back is less than two (2) hours. After the first two (2) hours of time worked, credit may be given or allowed in increments of fifteen (15) minutes or to the closest quarter hour.
2. Actual hours worked for call-back purposes means only that time spent at the worksite. Time spent en route to or from the worksite is not included as time worked.
3. Compensatory time off may be used in lieu of pay for call-back time worked in accordance with compensatory time policies.

## **RULE 13. PAY ADJUSTMENTS AND BENEFITS**

### **Section 1. APPLICATION OF RATES**

New employees shall be started at the minimum rate of the appropriate range of the appropriate pay grade as outlined on the salary schedule as adopted by the Town Council. Exceptionally well-qualified persons may be started at a higher rate of pay within the set pay range upon approval of the Human Resources Director. Upon successful completion of a six (6) month probationary period or three (3) month probationary period for current employees in new positions, an employee's rate of pay may be increased the amount designated in the annual budget and depending on the probationary evaluation. In order to give feedback on job performance and to set both long term and short term goals, employees will receive annual appraisals that may increase the rate of pay up to the amount designated in the annual budget and depending on the job appraisal scale. ☞

- A. The Human Resources Director is limited to authorizing merit increases for Town employees in an amount established by annual adoption of the Town budget without the approval of the Town Council.
- B. The Human Resources Director, on an annual basis, may implement a cost of living adjustment to the established pay range salary schedule based on the Arizona Department of Economic Security's Cost of Living Index or as set by the Town Council during the budget.

### **Section 2. OTHER BENEFITS**

In consideration of greater responsibilities, education, experience and expertise required of them, along with their not being eligible to receive overtime compensation, all Key Personnel Employees as previously defined herein, shall be entitled to the following:

Town-paid life insurance premiums through the Town's group life insurance plan on each Key Personnel employee's life, commencing on said employee's date of employment in the policy amount of \$50,000. Certain employees including approved Key Employees, may receive a reimbursement for their personal mobile device provided they decide not to take a town mobile device and sign the Bring Your Own Device (BYOD) agreement. The reimbursement will be at 50% the rate of the town option. Approval by the Town Manager will be required to receive this reimbursement, which is a taxable benefit. Certain Key Personnel Employees may receive the benefit of a take-home vehicle with the approval of the Town Manager and it is a taxable benefit. ☼

### **Section 3. ADVANCEMENT**

No salary advancement shall be made so as to exceed any maximum rate established in the pay plan for the class to which the advanced employee's position is allocated. Advancements shall not be automatic, but shall depend on increased service value of an employee to the Town as exemplified by recommendations of the supervising official, length of service, performance record, special training undertaken, or other pertinent evidence, within the advancement policy established by the pay plan.

### **Section 4. TEMPORARY ASSIGNMENT OF PERSONNEL**

An employee assigned to perform all of the duties and assume all of the responsibilities of a higher classification, for a period of not less than four consecutive full work weeks, shall be designated as having a temporary position. An employee who is in a temporary assignment will receive a pay increase of 5% or the minimum of the salary range for the higher position, whichever is greater, but not to exceed the maximum of the salary range. In the case of a Department Head temporarily assuming the duties of another Department Head, the employee will receive a pay increase of 5%, but not to exceed the maximum of the salary range. Any assignment shall be approved by the Human Resources Director and include the period of time retroactive to the first day in the new pay period for the position. Upon completion of the temporary assignment, the employee will be returned to his/her former classification at the range and salary that would have been paid had the temporary assignment not occurred. (Res. 1839)

**Section 5. UNIFORM ALLOWANCE**

Clean, neat, and presentable uniforms in good repair are required of all uniformed personnel unless otherwise directed. Employees are required to wear appropriate clothing and personal protective equipment (PPE) that provide the necessary safety and functionality of their job as assigned. Safety boots, if appropriate, shall be worn with the uniform. Shirts shall be tucked in at all times. Uniform standards are established by the Department Head and based on budgetary restrictions. No employee shall wear a Town uniform while off duty, unless explicitly authorized to do so. The Town of Wickenburg identification card, if provided, is considered part of dress code guidelines and must be worn at all times. Upon termination of employment, employees are required to return any uniforms or articles of clothing with the Town of Wickenburg identified on the clothing. If they are not turned in by the time the final check is prepared, the cost of the missing uniforms will be subtracted until such time as the uniforms are turned into the Town. ☼

**Section 6. SEPARATION FROM SERVICE**

All employees who separate from service shall return all Town property and equipment used in connection with Town business, including but not limited to all town purchased computers, laptops, cell phones, keys, identification badges, etc. All Town property should be returned to the employee's supervisor prior to the last day of active employment. If all property is not turned in by the time the final check is prepared, the replacement cost of the missing items will be subtracted from the employee's final check until such time as the property is returned to the Town.



## **RULE 14. OVERTIME**

### **Section 1. POLICY**

It is the Town's policy to avoid the necessity for overtime whenever possible. Overtime is strongly discouraged and requires the prior approval of the Human Resources Director (except for emergency conditions arising in public safety and other essential services). Overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements, and Department Heads are responsible for the advance planning required to minimize the need for overtime. No officer or employee shall receive credit for any overtime unless authorized. Therefore, if in the judgment of the Department Head, work beyond the normal workweek is required, the Human Resources Director may authorize such work and the employee shall be credited with such overtime credit for each hour's work. In cases where an employee begins work one day and continues through the next day, all consecutive hours worked will be recorded on the date the employee started work.

### **Section 2. OVERTIME COMPENSATION**

Whenever any person employed by the Town is required to render overtime service, that person may be compensated for such excess time at the rate of one and one-half (1½) times the regular rate of pay at which such person is employed.

### **Section 3. OVERTIME REQUIREMENT**

All overtime shall be paid within the pay period in which it was accumulated except for certified Fire Department personnel and certified Police Department personnel who have entered into an agreement with the Town. Certified non-exempt Fire Department personnel have an established work period of twenty-eight (28) days. The Town has claimed a FLSA 207(k) exemption to designate this work period. All hours worked over two hundred twelve (212) in a twenty eight (28) day work period will be compensated at one (1) and one-half (1/2) times their base hourly rate according to FLSA guidelines. Non-exempt certified Police Department personnel have an established period of forty (40) hours per week unless otherwise agreed to by the Town and the certified Police Department Officer(s) pursuant to A.R.S. § 23-392. Any such agreement shall have an established work period of fourteen (14) days and all hours worked over eighty (80) hours in a fourteen (14) day work period will be compensated at one (1) and one-half (1/2) times their base hourly rate according to FLSA guidelines. Otherwise, all hours worked by certified Police Department Officers over forty (40) hours per week shall be overtime work. (Res. 2114)

### **Section 4. HUMAN RESOURCES DIRECTOR RESPONSIBILITY**

Pursuant to the requirements of this rule, it is the responsibility of the Human Resources Director to record all overtime accrued for the employees of the Town.

### **Section 5. SUPERVISORY AND ADMINISTRATIVE EMPLOYEES**

The overtime provisions of this Rule shall not apply to employees in a FLSA exempt capacity with the Town. The Town Council shall designate through a Resolution, the supervisory and administrative positions in Town employment.

Revised 3/17/97  
Revised 05/18/00  
Res. 1519/5-06  
Res. 1527/6-06  
Res. 1593/10-20-08  
Res. 1731 / 01-14  
Res 1916 / 03-16  
Res 2114 / 02-20-18  
Res 2258 / 3-16-20

**Section 7. COMPENSATORY TIME**

Notwithstanding any other provisions of this Rule or any other provision of the Town's Personnel Rules and Regulations, full-time hourly employees, except the Fire Department, shall be allowed to accumulate compensatory time in an amount of hours not to exceed forty (40) hours from overtime worked. Lump sum payments for accrued compensatory time will only be paid upon termination of employment and must be paid at the regular rate earned by the employee at the time the employee receives payment. Any accumulated overtime in excess of forty (40) hours by an employee shall be paid in accordance with Sections 3 and 6 of this Rule. Compensatory time will be granted upon the employee submitting a twelve (12) hour advance written notice to the Supervisor. E

Revised 3/17/97  
Revised 05/18/00  
● Res. 1519/5-06  
f Res. 1527/6-06  
E Res. 1593/10-20-08

**RULE 15.      INSURANCE**

**Section 1.      GROUP INSURANCE PROGRAM**

Full-time permanent employees are covered under the Town's Group Insurance Program, commencing **©** the first day of the month following thirty (30) days from the date of employment, which provides certain health, accident and life insurance coverage according to the plan in effect. Complete plan details are contained in the Certificate of Insurance on file in the Town Clerk's office. Employees may elect certain dependent coverage under this program at their own expense. **≈** An employee shall not be eligible for coverage under the Town's Group Insurance Program until the first day of the month following thirty (30) days after the commencement of full-time employment with the Town and insofar as the provision is not inconsistent with the requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

Employees, upon retirement shall cease to be covered under the Town's group insurance program along with their dependents, except for such rights and benefits said employees may be entitled to under Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly referred to as "COBRA," and further, provided employees of the Town who have ten (10) or more years of service with the Town as of July 1, 2002 who retire with 25 years of service with the Town shall be entitled to continuation of employee coverage only, however, that the Town shall contribute no more than one hundred dollars (\$100) per month for such coverage. A written request for this benefit must be made prior to retirement from the Town and retiring employees must have continuous coverage with insurance starting on the first of the month after retirement. Coverage will cease upon written request by the retired employee, cancellation of insurance or death of retired employee. Once this benefit has been lost, due to not being enrolled in an insurance plan, this benefit cannot be restarted at a later date. **◆** (Res 1731 & 1749)

**Section 2.      WORKER'S COMPENSATION INSURANCE**

All Town employees are covered by Worker's Compensation Insurance at no cost to the employee. The coverage provides medical and hospitalization expense benefits, as well as partial payments in lieu of salary for workers injured on the job. Upon approval by the Human Resources Director, the employee shall be paid the difference between his/her normal base salary and Workers' Compensation payments. The employee's accrued sick leave hours shall be reduced by a ratio equaling the supplemental payments made by the Town. Payments shall begin concurrently with those of the Workers' Compensation payments. Employees shall not accrue sick or vacation time while on leave and collecting Worker's Compensation. **◆**

Employees shall not be required to use their sick time to attend Worker's Compensation doctor visits and doctor prescribed medical treatments that cannot be scheduled around the regular work schedule. Such scheduling must receive prior approval from the Supervisor and/or Department Head. Abuse of this benefit will be considered theft and shall result in disciplinary action being taken against the employee. **~**

**Section 3.      EMERGENCY AMBULANCE SERVICE: Deleted ©**

**Section 4.      ACCIDENTAL DEATH/DISEMBLEMENT COVERAGE DURING COMMUTE TO/FROM THE WORKPLACE**

All permanent full-time Town employees are covered under the Town's accidental death and dismemberment insurance policy, which provides coverage for accidental death, or dismemberment incidents, which occur during said employees, commute to or from his or her workplace. Details of said coverage are included in the Town's Certificate of Insurance on file in the Town Clerk's Office.

© Res.1434/8-03  
~ Res. 1448/3/1/04  
© Res. 1471/2-05  
Res. 1549/6-07  
◆ Res. 1568/3-3-08  
≈ Res. 1648/3-11  
Res. 1731 / 01-14  
Res 1749 / 06-14

**RULE 16. TRAVEL** (Res. 2193)

Employees, public officers, members of any Boards, Commissions, Committees or private citizens, when traveling on authorized Town business as a delegated representative of the Town of Wickenburg, are eligible to receive reimbursement of travel expenses, according to the following schedule:

**Section 1. REIMBURSEMENT FOR USE OF PRIVATE VEHICLES OUTSIDE WICKENBURG AREA**  
(Res. 2193)

Employees traveling on approved Town business are encouraged to utilize a Town of Wickenburg fleet vehicle. Use of personal vehicles is allowed only with the prior approval of the applicable Department Director. When one or more persons travel to the same meeting or event, every attempt shall be made to travel in one vehicle and therefore, reimburse one mileage allowance.

If a Town car is not available and prior approval has been obtained from the applicable Department Director, the Town will reimburse the use of the employee's personal vehicle at the current federal mileage rate per mile. Reimbursement equal to that allowable under the Internal Revenue Service Regulations may vary from year to year (contact the Finance Department for the current-year rates.)

If a Town car is available and the employee makes the personal choice to use his/her personal vehicle, the mileage rate will be 40% of the federal mileage rate per mile. The choice to use one's personal vehicle must be approved by the applicable Department Director. The employee must submit a Google map with the destination address en route from the Town of Wickenburg Town Hall, attached to the travel authorization and expense form.

When a personal vehicle is used for out-of-state travel in lieu of traveling by air (personal trips are not mileage-reimbursable), the most direct route from the Town of Wickenburg will be used for vehicle mileage. The employee must submit a Google map with the destination address en route from Town of Wickenburg Town Hall, attached to the travel authorization and expense form. However, the total reimbursable cost for transportation shall not exceed the cost of discounted airfare.

Note: All employees are required to carry property levels of insurance to be authorized to drive a privately-owned vehicle on Town business. It is a personal choice of the employee to travel by vehicle in lieu of air travel and/or use a Town vehicle; therefore, any travel problems created by this choice are the responsibility of the employee. The Town mileage reimbursement in this situation covers insurance costs and if an accident does occur on Town business in the employee's personal car, the employee's insurance will be fully responsible.

**Section 2. REIMBURSEMENT FOR USE OF COMMERCIAL CARRIERS**

Actual out-of-pocket expenses shall be reimbursed when a commercial carrier is used. Prior authorization for the use of the commercial carrier shall be obtained from the Town Manager or reimbursement shall not be made. Air travel shall be at tourist class when available.

**Section 3. PER DIEM ALLOWANCE** (Res. 2193)

The purpose of this policy is to provide a clear and consistent guideline for the approval and payment of per diem meal allowance, for employee that are on business away from his or her designated post of duty.

The post of duty is defined as the place where the employee spends the largest portion of his or her regular work day or working time, or the work place to which he or she returns upon completion of special assignments.

Meal allowances are only authorized for business travel greater than 50 miles from the Town of Wickenburg. The Town's per diem is set at \$59 regardless of location and the reimbursement of meals and incidental expenses shall not exceed the daily amount. The daily meal allowance amounts are inclusive of tips and will be reviewed periodically for adjustments up or down.

The daily per diem rate is allocated to the three meals using the following breakdown:

	<u>Full Days</u>	<u>Travel Days</u>
Breakfast	\$14.00	\$10.50
Lunch	\$15.00	\$11.25
Dinner	\$30.00	\$22.50

When a traveler is eligible for a full day's allowance, the amount expended for any particular meal will be left to his or her discretion. Meals included in conference or seminar registration fees, or meals provided at no additional cost, are not eligible for meal allowance and will be deducted from the total daily meal allowance. If circumstances, such as dietary needs, make it necessary to forego the provided meal, then the traveler may claim up to the maximum meal allowance. In such cases, a receipt and a written explanation is necessary. To be reimbursed for any meal, the employee must provide receipts and show where and when the trip began and ended. Alcoholic beverages are non-reimbursable.

If the job requirements for a particular day take an employee out of the 50-mile area during normal mealtime, he or she may be eligible for per diem meal allowance.

- If an employee is required to leave home before the start of their normal scheduled shift or before 6:00 AM to make a work appointment, meeting or assignment out of the 50-mile area, he or she is eligible for breakfast per diem meal allowance or reimbursement.
- If an employee is required to be out of the 50-mile area for a work appointment, meeting or assignment during the entire normal lunch period (11:00 AM to 2:00 PM) he or she is eligible for lunch per diem meal allowance.
- If an employee is scheduled to arrive at home after 6:00 PM due to a work appointment, meeting or assignment out of the 50-mile area, he or she is eligible for dinner per diem meal allowance.

An employee is eligible for a daily meal allowance while in an overnight or multi-day travel status for official job-related duties. The IRS defines an overnight status as being away from home at a great distance or long enough to require substantial sleep or rest to meet the demands of work. An employee is eligible for up to 75 percent of the daily meal allowance on actual travel days (arrival and departure days), and 100 percent of the daily meal allowance on full days in between.

Any exceptions to the above policy must be approved by the Department Director and Town Manager.

#### **Section 4. PROCEDURE**

Claims for mileage allowance and/or per diem must be made at least two weeks before travel. At no time will reimbursement be allowed for any alcoholic beverages. All claims for travel expenses shall be submitted to the Town on the forms provided by the Town. Failure to request the travel, mileage and per diem a week in advance will result in denial of request. ✧

**RULE 17. TUITION REFUND**

The Town will refund 100% of tuition costs, including books, to any employee for a “job related” program of study from an accredited educational institution upon satisfactory completion (earning a grade of 3 or better on a 1 to 5 system). The employee must request, in writing, approval of the course’s job relation prior to registration in the class and/or program. The request shall be approved by the Town Manager prior to registration in order to receive a tuition refund. The tuition refund will not be paid until the following fiscal year to provide for budgeting of the expense. A refund is made only after the employee:

- A. Submits a “fee statement” and any transcriptions showing the costs of the course and the grade received; and,
- B. Fills out an evaluation of the course.

If an employee is discharged from employment by the Town or otherwise terminated his employment with the Town within three (3) years following completion of the course, the employee shall reimburse the Town for the tuition, including books. If the employee leaves employment within one year of the tuition refund, they shall reimburse the Town 100% of the costs. If the employee leaves employment within two years of the tuition refund, they shall reimburse the Town 75% of the costs. If the employee leaves employment within three years of the tuition refund, they shall reimburse the Town 50% of the costs. ✧

Ⓒ The Town will pay upfront the tuition for attending the Police Academy for a Reserve Officer upon request by the Chief of Police and approval by the Town Manager. If the Reserve Officer terminates his/her reserve status with the Town prior to completing twelve (12) months after date of certification, the Reserve Officer shall reimburse the Town for the cost of tuition.

The Town will refund the cost of tuition and books for students attending Emergency Medical Technicians (EMT) classes after one (1) year of continuous service with the Town.

**RULE 18.      RETIREMENT**

The Arizona State Retirement System or the Public Safety Personnel Retirement System covers all full-time permanent employees and other employees who meet the requirements of the retirement system. Details of the employee's obligations and benefits under the State Retirement System are on file with the Human Resources Director's Office.

Revised 07/18/02  
Z Res. 1474/2-05  
Res. 1549/6-07  
Res 1787 / 11-14

**RULE 19.      TRANSFER, PROMOTION, DEMOTION, SUSPENSION & REINSTATEMENT**

**Section 1.      TRANSFER**

No person shall be transferred to a position for which the person does not possess the minimum qualifications. If the transfer involves a change from one department to another, both department heads must consent thereto, unless the Human Resources Director orders the transfer for purposes of economy of efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.

**Section 2.      PROMOTION**

Insofar as consistent with the best interests of the service, vacancies shall be filled by promotion from within the classified service. If, in the opinion of the Human Resources Director, a vacancy in the position could be filled better by an open recruitment instead of promotion, then the Human Resources Director shall arrange for such recruitment and examination for the preparation of an employment list.

**Section 3.      DEMOTION**

The Human Resources Director may demote an employee whose ability to perform required duties falls below standard, or for disciplinary purposes. Written notice of the demotion shall be given to the employee within three (3) days before the effective date of the demotion. Appeals from a written notice of demotion shall be made pursuant to, and are governed by, Rule 22 of these Personnel Rules and Regulations. ♣

**Section 4.      SUSPENSION**

The Human Resources Director may suspend an employee from any position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than thirty (30) calendar days in any fiscal year. Department Heads may suspend a subordinate employee for not more than three (3) working days at any one time, and not more than once in a 30-calendar-day period. Suspensions shall be reported immediately to the Human Resources Director. Appeals from a written notice of suspension with or without pay shall be made pursuant to, and are governed by, Rule 22 of these Personnel Rules and Regulations. ♣

**Section 5.      REINSTATEMENT**

With the approval of the Human Resources Director and the department head concerned, a permanent or probationary employee who has resigned with a good record may be reinstated within two years of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as though he received an original appointment.



## **RULE 20. SEPARATION FROM THE SERVICE**

### **Section 1. DISCHARGE**

The Human Resources Director may discharge an employee in the classified service for cause at any time in accordance with these rules.

### **Section 2. PRE-TERMINATION HEARING**

Prior to termination, an employee (other than a probationary employee) shall be given written notice of an opportunity for a Pre-Termination Hearing. The notice shall set forth the date, time and location of the pre-termination hearing. The pre-termination hearing shall be scheduled not less than three (3) business days after the date of the Notice of pre-termination hearing is hand-delivered to the employee or not less than six (6) mail-delivery days after the postmark date of the notice if it is mailed. Upon receipt of the notice of pre-termination hearing, the employee shall return all Town of Wickenburg property in his/her possession. If such property is not returned by the date and time set for the pre-termination hearing the cost of the property may be deducted from the employee's final paycheck in accordance with the United States Department of Labor Regulations. The purpose of the pre-termination hearing is to afford the employee the opportunity to present reasons why he/she should not be dismissed. The employee may be accompanied by one (1) individual for moral support; however, that individual shall not be a participant in the hearing. The pre-termination hearing shall be held as privately and confidentially as is reasonably possible. ♦ If the employee wishes to have an attorney present at the pre-termination hearing, the employee shall notify the Human Resources Director sufficiently in advance so that the Town Attorney can also be scheduled to attend. Failure to provide such advance notice to the Human Resources Director shall constitute a waiver of the employee's right to have an attorney present under this Section. ♦ The Human Resources Director shall conduct the pre-termination hearing. The pre-termination hearing shall be informal, and the technical Rules of Evidence shall not apply. ♦ If, after the pre-termination hearing, the Human Resources Director determines that termination is warranted, he/she shall provide the employee with a Notice of Termination by United States Certified Mail delivery or personal delivery. The Notice of Termination shall state the reason(s) the Human Resources Director upheld the termination and provide notification of the employee's post-termination appeal rights. The final paycheck shall be mailed to the employee's last mailing address on file with the Town within three (3) business days of the effective date of termination. ♦

### **Section 3. LAY-OFF**

The Human Resources Director may lay off an employee in the classified service because of material change in duties or organization or shortage of work or funds.

### **Section 4. RESIGNATION**

An employee wishing to leave the classified service in good standing shall file with the Human Resources Director, through the employee's department head, a written resignation stating the effective date and reasons for leaving, at least two (2) weeks (managerial positions preferably 30 days) before leaving the service, unless such time limit is waived by the Human Resources Director. Failure to give notice as required by this rule may be cause for denying future employment with the Town. An "exit interview" should be arranged with the Human Resources Director to be held before the last day of employment.

### **Section 5. CONSTRUCTIVE DISCHARGE**

An employee is encouraged to communicate to the Town whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. An employee is required to notify his immediate supervisor in writing that a working condition exists that the employee

believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the Town alleging that the working condition forced the employee to resign. An employee is required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the Town. An employee may be entitled an unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the working condition.

**RULE 21. COMPLAINT RESOLUTION AND APPEAL PROCEDURES ♦**

**Section 1. MATTERS SUBJECT TO APPEAL ♦**

Employees in the classified service, except the Town Manager, shall have the right to appeal. An Adverse Personnel Action as defined in Rule 1 of these Personnel Rules and Regulations. Appeals of suspensions, demotions and terminations shall be made directly to the Hearing Officer pursuant to Rule 22. ♦

**Section 2. INFORMAL COMPLAINT RESOLUTION APPEAL PROCEDURES ♦**

An employee who has a problem or complaint should first try to get it settled through discussion with the employee's immediate Supervisor without undue delay. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the employee's supervisor's immediate supervisor, if any, or the Human Resources Director. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision.

**Section 3. FORMAL APPEAL PROCEDURE ♦**

A. Written reprimands imposed on non-Department Heads may be appealed as follows:

1. First Level of Review: The appeal shall be presented in writing to the employee's immediate Supervisor, with a copy to the Human Resources Department for monitoring, within ten (10) calendar days of the alleged incident, which shall render a decision and comments in writing and return them to the employee within fifteen (15) calendar days after receiving the appeal. If the employee does not agree with the Supervisor's decision, or if no answer has been received within fifteen (15) calendar days, the employee may present the appeal in writing to the Supervisor's immediate Supervisor. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision from the Supervisor, or within a total of twenty-five (25) calendar days of the first submission, if no decision is rendered, will constitute a dropping of the appeal.
2. Further Level or Levels of Review as Appropriate: The second level Supervisor, if any, receiving the appeal shall review it, render a decision and comments in writing, and return them to the employee within fifteen (15) calendar days after receiving the appeal. If the employee does not agree with the decision, or if no answer has been received within fifteen (15) calendar days, the employee may present the appeal in writing to the Human Resources Director. Failure of the employee to take further action within ten (10) calendar days after receipt of the decision, or within a total of twenty-five (25) calendar days of referral to the Supervisor's Supervisor if no decision is rendered, will constitute a dropping of the appeal.
3. Human Resources Director: Upon receiving the appeal, the Human Resources Director or a designated representative shall discuss the written reprimand with the employee, the employee's representative, if any, and with other appropriate persons. The Human Resources Director may designate a fact-finding committee or an officer not in the normal line of supervision to advise the Human Resources Director concerning the appeal. The Human Resources Director shall render a decision in writing to the employee within twenty (20) calendar days after receiving the appeal. The decision of the Human Resources Director shall be final. ♦

B. Written reprimands imposed on Department Heads shall be appealed directly to the Hearing Officer pursuant to Rule 22. ♦

**Section 4. CONDUCT OF APPEAL PROCEDURE: ♣**

- A. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- B. The employee may request the assistance of another person of the employee's own choosing in preparing and presenting an appeal at any level of review. ♣
- C. An appeal, once dropped through action by the employee, or through failure on the employee's part to pursue the appeal, cannot be reinstated. ♣
- D. Employees shall be assured that they will not be subject to retaliation by the Town or its employees or elective officers for using the appeal procedures. ♣
- E. Employees shall be assured freedom for using the appeal procedure. ♣

**RULE 22.      RULES OF APPEAL ♣**

**Section 1.      RIGHT OF APPEAL**

Any employee in the classified service, except the Town Manager, shall have the right to appeal any Adverse Personnel Action in accordance with this Rule. ♣

**Section 2.      METHOD OF APPEAL**

- A. Appeals shall be filed within ten (10) calendar days of the date of the Notice of the final decision rendered pursuant to the formal appeal procedures of Rule 21. ♣
- B. Appeals shall be in writing, signed by the appealing employee and filed with the Human Resources Director. Every appeal shall set forth the decision being appealed and a statement of the action desired by the appealing employee, with the reasons therefore. The formality of a legal pleading is not required. ♣
- C. The appealing employee shall have the burden of proving that the Adverse Personnel Action was not reasonable in the circumstances. ♣
- D. Except for written reprimands issued to non-Department Heads, within ten (10) calendar days after receipt of the appeal, the Human Resources Director shall appoint a Hearing Officer to hear the appeal. Appeals of written reprimands issued to non-Department Heads shall be heard by the Human Resources Director pursuant to Rule 21. ♣

**Section 3.      NOTICE**

Upon appointment, the Hearing Officer shall, within three (3) working days set a date for a hearing on the appeal that is not less than ten (10) calendar days, nor more than thirty (30) calendar days from the date the appeal was filed. The Hearing Officer shall notify all interested parties of the date, time, and place of the hearing at such places, as the Human Resources Director shall prescribe. ♣

**Section 4.      HEARINGS**

The appealing employee shall appear personally, unless physically unable to do so, before the Hearing Officer at the time and place of the Hearing. The appealing employee may be represented by any person or attorney as the appealing employee may select, and may at the Hearing produce on behalf of the appealing employee relevant oral or documentary evidence. The appealing employee shall state his or her case first, and at the conclusion, opposition matters may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the Hearing Officer. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Hearing Officer with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Hearings shall be closed unless the appealing employee, in writing at least forty-eight (48) hours prior to the hearing requests an open public hearing. ♣

**Section 5.      FINDINGS AND RECOMMENDATIONS**

- A. Within ten (10) calendar days after the conclusion of the hearing, the Hearing Officer shall issue its written findings and decision. ♣
- B. The Hearing Officer's decision on appeals by Department Heads shall be deemed a final decision on the appeal. The Hearing Officer may uphold or reverse the disciplinary action being appealed, but shall not modify such disciplinary action. ♣
- C. The Hearing Officer's decision on appeals by non-Department Heads shall be advisory to the Human Resources Director, who shall render a final decision within ten (10) calendar days after receiving the advisory decision from the Hearing Officer. The Human Resources Director may then affirm, revoke or modify the action recommended by the Hearing Officer as, in the Human Resources Director's judgment, is deemed warranted. ♣

**RULE 23.      TRAINING OF EMPLOYEES**

**Section 1.      RESPONSIBILITY FOR TRAINING**

The Town Council encourages the training of employees. Responsibility for developing training programs for the employees shall be assumed jointly by the Human Resources Director and department heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

**Section 2.      CREDIT FOR TRAINING**

Participation in, and successful completion of, special training courses, including college extension or correspondence courses, may be considered in making advancements and promotions. The employee shall file evidence of such activity with the Human Resources Director. Employees participating in an Employer required training or college course, approved by the Human Resources Director, shall receive time off with pay.

## **RULE 24.      REPORTS AND RECORDS**

### **Section 1.      ROSTER CARDS**

The Human Resources Director shall maintain a service or roster card for each employee in the service of the Town showing the name, title or position held, the department to which assigned, salary, changes in employment status and such other information as may be considered pertinent. If the employee moves or changes marital status, number of dependents, telephone number or name, the employee shall contact his immediate supervisor or the Human Resources Director at once.

### **Section 2.      PERFORMANCE EVALUATION**

All employees of the Town, except the Town Manager, shall be subject to performance evaluations. The Department Heads shall be evaluated by the Town Manager. Probationary employees shall be evaluated at the end of the probationary period. Any written performance evaluation reports shall be reviewed with the employee and filed with the Human Resources Director to be placed in the employee's personnel file. These reports may be used in consideration for determining transfers, promotions, demotions, dismissals or lay-offs. In order to give feedback on job performance and to set both long and short term goals, employees will receive annual appraisals/evaluations of their performance. 🗨️

### **Section 3.      EMPLOYEE RECORDS**

It is the policy of the Town of Wickenburg to keep employee personnel records confidential in the best interest of each employee. Employee records that are considered to be public records are available to anyone with appropriate appointment and request. These records include such information as an employee's name, date of hire, classification, grade, present rate of pay and duties performed. Information obtained for business use and contained in the personnel files is not a matter of public record and should not be generally accessible to everyone.

Employee medical information collected by or supplied to the Town will be kept separate from the employee's personnel records and will be maintained in a confidential manner. Such information will be made available only to individuals on a need to know basis or, where applicable, in compliance with state or federal laws governing access to such records.

Employee personnel records maintained by the Town should be accessible to the following:

- A. Town personnel as specifically designated in writing by the Human Resources Director to have a need for such information; and,
- B. The employee for review of his or her own individual personnel file (this should be by pre-arranged time and would not include removing records 🗨️); and,
- C. The Human Resources Director or Hearing Officer when reviewing employee complaints, grievance or appeals; and,🗨️
- D. Any person or organization that receives a signed written release statement from the employee whose records are in question.
- E. Information may be released in response to a court order, subpoena or official law enforcement investigation. Any person may make a request for public records in which only certain information can be provided (See Administrative Rules for specifics). 🗨️

## **RULE 25.      AFFIRMATIVE ACTION**

For the purposes of the Town of Wickenburg, the affirmative action program shall be analyzing the methods, procedures and results of the personnel actions to determine whether otherwise qualified workers have been excluded for reasons of race, religion, age, sex, disability, color, national origin or political or religious opinion or affiliation. In doing so, it means taking every appropriate corrective action to bring about equal opportunity in employment.

### **Section 1.      RESPONSIBILITIES**

The Town of Wickenburg shall initiate the following responsibilities necessary to facilitate implementation of the affirmative action program:

- A. The Human Resources Director shall maintain continuing review of all rules and regulations of the Town's personnel system so as to detect any illegal or improper impediments to the employment or advancement of minority groups or women.
- B. Review and evaluate operations periodically and obtain reports as necessary to determine the overall status of the Town's equal opportunity program.
- C. Develop and implement a system for gathering statistical information on minority groups and women, showing their progress in moving into middle and upper level positions in this Agency.
- D. Promote the complaint and appeal grievance procedure in these rules and regulations, which provide for promptness, fairness and impartial consideration of the complaint of discrimination.
- E. Develop and implement an information program designed to inform the general public, minority group organizations and women organizations of the equal employment policy and program effort.



## **📍 RULE 26. LEGAL COMPLIANCE AND ETHICS POLICY**

### **Section 1. PURPOSE**

It is the policy of the Town that all Town activities be in compliance with applicable federal and state laws and regulations. It is also the policy of the Town that all employees shall conduct themselves according to the highest standards of legal and ethical behavior.

### **Section 2. COMPLIANCE WITH LAWS AND REGULATIONS: NOTICE**

Employees are required, as a condition of their employment, to comply with applicable laws and regulations and to cooperate with all federal, State, and local jurisdictions to enforce such laws and regulations. All employees shall immediately notify their supervisor or the Town Manager of any incidents or activities of which they are aware or become aware which they believe may be in violation of any federal, State or local laws or regulations, and supervisors shall immediately transmit any such reports to the Town Manager. If the perceived violation involves the Town Manager, the employee shall immediately notify the Human Resources Department or Town Attorney. Failure of an employee to immediately report any such incident or activities that the employee may know about or believes to be a violation of laws or regulations may result in termination of employment.

### **Section 3. OTHER EMPLOYEE CONCERNS**

If an employee has a concern about a matter that may not be a violation of federal, State or local law or regulation but affects his or her working environment, that employee is encouraged to bring this to the attention of the Town Manager. If the matter causing concern involves the Town Manager, the employee may contact the Human Resource Department or the Town Attorney. This policy does not replace the Complaint and Appeal Grievance procedures set forth in Rule 21 of this manual. All appeals of decisions affecting employment shall be filed in accordance with Rule 21 of this manual.

### **Section 4. ANONYMOUS COMPLAINTS**

Anonymous concerns and complaints may be filed, but are often extremely difficult to investigate because the investigator(s) do not have the advantage of being able to ask for clarifying information about incidents or witnesses. As a result, individuals are encouraged to identify themselves when surfacing concerns or complaints.

### **Section 5. INVESTIGATION**

Upon receiving a report filed pursuant to Section 2 or a concern and complaint pursuant to Sections 3 and 4, the Town Manager shall immediately investigate the report and, if it appears there is a violation of such laws or regulations, take steps to cure such violations. A written report shall be prepared and made available to the Town Council.

### **Section 6. RETALIATION**

No employee will be subjected to any form of retaliation or discipline for submitting a concern or complaint in accordance with this policy. An employee or supervisor who initiates or participates in a retaliatory act is subject to discipline up to and including dismissal. Employees who believe that they have been subjected to retaliation shall immediately report the matter to the Town Manager, the Human Resource Department, or the Town Attorney.

### **Section 7. FALSE INFORMATION**

If, after investigating a concern or complaint in accordance with this policy, the Town determines that intentionally false or malicious information was provided, disciplinary action may be taken against the individual(s) who gave the intentionally false or malicious information.

## **📌 RULE 27. EMPLOYEE CONDUCT**

### **Section 1. EMPLOYEE CONDUCT**

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. Town employees are permitted to visit with Town Council members and express their views on Town matters. Employees should answer any questions asked by Town Council members and inform their immediate supervisor of the discussion in case there needs to be some follow-up action taken on the matter. All employees are expected to follow the administrative chain-of-command in employment and personnel related matters and in meeting regular job responsibilities. Personnel matters are not to be discussed with Town Councilmembers.

### **Section 2. COURTEOUS SERVICE**

Employees shall provide prompt, courteous, and high quality service to the public.

### **Section 3. EMPLOYEE APPEARANCE**

Employees are expected to wear professional clothing appropriate to individual job(s) and worksite. Your dress and appearance should be neat, clean, in good taste, and not constitute a safety hazard. Individual Departments may set appropriate and reasonable standards of dress. Departments where uniforms are provided should be in uniform when they have contact with the public.

### **Section 4. TOBACCO USE**

For the health and well-being of all Town employees and citizens, smoking is not permitting while in any Town buildings or Town owned vehicles. Chewing tobacco, e-cigarettes, pipes, and cigars fall under the same guidelines. Smoking is permitted during breaks and lunch, however, no special smoking breaks are allowed since this is unfair to non-smoking employees. If an employee feels compelled to smoke, be sure to be at least 20 feet from all doorways so the smoke does not filter back into the building(s). If any Town employee would like to quit smoking, please contact the Human Resource Department for possible assistance.

### **Section 5. PERSONNEL TELEPHONE CALLS**

Town employees should limit their personal telephone calls. Management understands the need for occasional calls to check in or confirm some information. If a personal call is going to take longer than five (5) minutes, please try to take care of the personal business during a break or lunch. Emergencies are another matter; please inform/advise your supervisor of the emergency so there are no misunderstandings. Personal, long distance telephone calls from a Town telephone are prohibited except in the case of a family emergency (death, serious illness, etc.) and welfare calls. The employee will be expected to reimburse the Town for any charges incurred when making an emergency call.

### **Section 6. INTERNET OR COMPUTER USE**

“Users” of Town computers and equipment include Town employees, elected officials, volunteers, contractors, and other users authorized to use the Town’s equipment. No unauthorized users are allowed on the Town’s computers. Employees are asked not to visit inappropriate Internet sites or forward inappropriate emails on work computers. Examples of prohibited behavior are using, accessing, transmitting or forwarding material of an obscene, pornographic, threatening, demeaning, harassing, or otherwise offensive nature, whether in words or images that would be either illegal, prohibited or inappropriate. Keep your personal use of the computer and Internet to a minimum, preferably during breaks or lunch. Copying, downloading, installing/removing software or applications without permission is prohibited. The Town retains control, custody and supervision of all computers, networks, and information services owned or leased by the Town. The Town reserves the right to monitor all computer and Internet activity by employees and other system users, without prior notice. Employees have no expectation of privacy in their use of Town computers.

Email may be subject to disclosure pursuant to the public records laws as enacted under Title 39 of the Arizona Revised Statutes. The Town of Wickenburg assumes no responsibility for any unauthorized charges made by the employee(s) including, but not limited to, credit card charges, gambling, subscriptions, long distance telephone charges, equipment and line costs, or for all illegal use of its computers such as copyright violations and/or violations of software licensing.

**Section 7. TOWN EQUIPMENT & VEHICLE USE; MOTOR VEHICLE REPORT** (Res. 2214/4-19)

**A. Driver's License Requirement**

All employees of the Town who operate Town equipment or vehicles shall always have a valid Arizona driver's license in effect during the course of their employment with the Town. Continued employment in jobs that require the employee to drive is subject to maintenance of a valid driver's license. If your license is revoked or suspended for any reason, you must notify your supervisor immediately. You cannot operate any equipment or vehicle without a valid license which is properly endorsed for that equipment.

**B. Disclosures, Motor Vehicle Report**

Driving history disclosures and motor vehicle reports shall be completed in conjunction with pre-employment screening and updated every three (3) years by the Town for positions which require use of town vehicles. The Town reserves the right to request the past three (3) years of driving experience from employees which use, or may use, town vehicles. Copies of each employee's driver's license(s) and driving records may be maintained by the Town to ensure compliance with this section.

**C. Town Equipment & Vehicle Use**

1. All Town equipment & vehicles will be used only for official Town business.
2. All regular assigned take home vehicles require written approval from the Town Manager.
3. Employees may not take Town equipment or vehicles outside the Town limits without the approval of their immediate supervisor.
4. The department head may permit an employee to drive a vehicle home or other use of Town vehicles outside of working hours if one of the following conditions apply:
  - a. The employee's location of residence is between the training destination making it not cost efficient for the employee to drive to the work station to procure a Town vehicle.
  - b. The employee must arrive at the destination very early in the morning or arrive home late at night and the cost of lodging is saved, or the employee believes their safety is at risk
  - c. The employee must be prepared to leave directly from home due to an emergency.
5. Any other authorization will be given on an individual basis by the Town Manager.
6. Ride Along in a police or fire vehicle is permitted only with prior approval from the department head and completed documentation is on file with a copy to Risk Management.
7. Employees are responsible for all parking & traffic citations for parking & traffic violations, as well as any damages or costs caused by the employee during an unauthorized use of an assigned vehicle.

**D. Seatbelt Requirement**

All employees who drive or are passengers in Town vehicles are required to wear their seatbelt.

#### E. Passengers

Passengers are prohibited in Town Vehicles except for the purpose of official Town business. Only authorized persons for work related assignments may accompany Town employees in Town vehicles on official Town business.

#### F. Out-of-State Use

Permission to take a Town vehicle out of the state must be approved in advance by the Town Manager.

#### G. Accident or Misuse

Any accident or misuse of Town equipment or vehicles shall be reported to Human Resources and the department head.

Employees involved in any form of accident while operating Town equipment or vehicles shall report it immediately to their supervisor in conjunction with the Town's Loss Control/Safety Program.

#### H. Prohibitions

It is prohibited to:

1. Consume or use alcohol or prohibited drugs (see drug and alcohol policy) while operating or driving Town equipment or vehicles.
2. Transport alcohol or prohibited drugs while operating or driving Town equipment or vehicles unless seized as part of a law enforcement investigation.
3. Operate or Drive Town equipment or vehicles while being under the influence of alcohol or prohibited drugs including if you would test positive in any amount OR have used eight hours prior to the employee's use of the vehicle.
4. Smoke cigarettes/nicotine, inhale a vaporizer or use chewing tobacco while in, operating or driving Town equipment or vehicles.
5. Drive or ride in a Town vehicle without wearing seatbelts.
6. Use of a hand-held mobile telephone or other portable electronic device while operating a motor vehicle unless a hands-free device is used.
  - a. "Hands-Free" means the use of a mobile telephone or portable electronic device without the use of either hand by employing an internal feature of, or an attachment to, the device.
  - b. "Operating" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of a traffic light, stop sign, traffic, or otherwise temporarily immobilized, but excludes operating a motor vehicle when the vehicle has pulled over to the side of the road or off an active roadway and has stopped at a location in which it can safely remain stationary.

#### I. Disciplinary Action

Violation of these rules can result in disciplinary action up to and including dismissal and repayment to the Town of misspent or misused Town resources. See Rule 11. Discipline.

## **Section 8. OUTSIDE EMPLOYMENT**

While the Town of Wickenburg does not prohibit employees from having a second job, secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, raise any ethical concerns, or necessitate long hours that may impact the employee's working effectiveness. Employees that are contemplating outside employment are required to submit a written request for approval. The written request should identify the secondary employer, the nature of the duties to be performed, and the anticipated hours the employee will be working. The Human Resources Director or designated representative will promptly answer this request in writing and a copy placed in the employee's personnel file.



**☆ RULE 28. SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY EMPLOYEES**

**Section 1. PURPOSES**

The purpose of this Supplemental Benefits Plan for Public Safety Employees (Plan) is to meet the requirements of A.R.S. §38-961 and provide additional economic benefits to Police and Fire employees who are injured and eligible for a specific category of Workers' Compensation benefits.

**Section 2. ELIGIBILITY**

The Town has discretion to determine eligibility of an employee to participate or continue in this Plan. To be eligible for supplemental benefits under this Plan initially and to continue in the Plan as described in this policy, the employee must meet all of the following criteria:

- A. Be a certified Police Officer or certified Firefighter, employed full-time by the Town at the time of injury.
- B. Be injured and eligible for Workers' Compensation benefits pursuant to A.R.S. §23-1021.
- C. Be receiving Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041 and related statutes.
- D. Request supplemental benefits, in writing, addressed to the Town Manager's Office, within thirty (30) days of receiving first payment of Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041.
- E. Follow all other procedures for requesting benefits as outlined in this policy or related documents.
- F. Participate in all Risk Management activities related to his or her Workers' Compensation injury.
- G. 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 under this Supplemental Benefits Plan.
- H. Remain a Town full time employee during the time period the employee is receiving the supplemental benefits.

**Section 3. BENEFITS**

All benefits under this Plan will be provided while the employee meets all eligibility criteria, for a period up to six (6) months<sup>1</sup> from the date the employee receives first payment of Workers' Compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041.

Benefits under this Plan include:

- A. Payment by the Town of the difference in salary between the employee's base pre-injury salary, less taxes and the Workers' Compensation benefit paid to the employee under A.R.S. §38-961, and any other voluntary deductions on the part of the employee.
- B. Continued payment of the Town's employer portion of premium for health care benefits as was paid pre-injury and/or as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health care benefits as was paid pre-injury and/or as is paid by similarly enrolled employees.
- C. Continued participation in the Public Safety Personnel Retirement System based on the employee's pre-injury wages.
- D. Credit for service in the Public Safety Personnel Retirement System at the same accrual rate as pre-injury.
- E. Maintenance of accrued Town leave balances at pre-injury level, including sick and vacation leave, and/or PTO.

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<sup>1</sup> Town may consider a six-month extension of the SBP at a future time.

To the extent the employee is eligible for and receives salary or benefit changes while receiving benefits under this Plan, the Plan benefits will be adjusted accordingly. For instance, if all employees are provided automatic salary adjustments as part of an annual process, the employee will receive benefits under this Plan based on his/her new adjusted salary as he/she would receive if not injured. Such adjustments may or may not benefit the employee. For instance, if during the benefit period under this Plan the Town changes employer health care benefits contributions from eighty percent (80%) to seventy percent (70%), the employee may be required to pay additional premiums as would any other similarly situated employee.

#### **Section 4. PROCEDURE**

- The Town Manager's Office will receive all requests for Plan benefits, in writing, from the employee outlining the request and any relevant information needed for decision making by the Town. Such request must be made within thirty (30) days of the employee's receipt of his or her first lost-time wage replacement benefit paid under Workers' Compensation. The Town Manager's Office will provide the request to the employer-designated SBP Administrator, and the Human Resources and Risk Management Coordinator. Failure to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961.
- The Town SBP Administrator will review the written request, the circumstances surrounding the injury, employee eligibility for Workers' Compensation, and any other relevant factors. Within thirty (30) days of receipt of request for benefits under this Plan, the SBP Administrator shall provide the employee with written determination of benefits eligibility under this Plan.
- Supplemental benefits under the Plan will be provided from the date of an employee's injury for a period not to exceed six (6) months, as long as the employee continues to meet all eligibility criteria.
- Employees granted benefits under this Plan will cooperate fully with the Town, SBP Administrator, and others working to coordinate benefits.
- The employee's Town leave accounts will be frozen as of date of injury until conclusion of participation in the Plan.
- If an employee is denied participation in the Plan for any reason, he or she has a right to appeal such denial. The process for doing so is, exclusively, the following:
  - ✓ Within ten (10) working days from receipt of denial letter, file a written appeal with the Town Manager stating the reason for the appeal and facts that the employee wishes to have considered.
  - ✓ Within five (5) working days, the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided.