

Resolution 5594

Exhibit A

RULE 1 - GENERAL PROVISIONS

Section 4. Content of Rules

- A. The Rules shall establish the procedures for governing the Personnel System, including:
1. Preparation, implementation, revision, and maintenance of a classification plan covering all positions in the City's service, including employment standards and qualifications for each classification.
 2. Preparation, revision, and administration of a salary plan directly correlated with the classification plan, providing a rate or range of pay for each classification.
 3. Public announcement of job openings and intent to accept applications for employment.
 4. Preparation and conduct of examinations and the establishment and use of employment registers containing the names of persons qualified for employment.
 5. Referral of eligible candidates for appointment and appointment of persons.
 6. Performance evaluations of employees during the probationary period and throughout their tenure of employment with the City.
 7. Dismissal, demotion, suspension, and rights of appeal.
 8. Transfer, promotion, re-eligibility, and disciplinary procedures for employees in the classified service.
 9. Control of hours of work, attendance and leave of absence.
 10. Working conditions and the enhancement of employee morale, welfare, and training.
 11. The establishment of adequate personnel records.
 12. The establishment of a grievance procedure.
 13. ~~Personnel Fact-Finding~~ **DISCIPLINARY REVIEW** Group procedures.
 14. Merit System Board Appeals procedures.

Section 5. Classified and Unclassified Service

- A. The employees of the City of Chandler are divided into the classified and unclassified (**AT-WILL**) service. ~~The purpose of the classified service is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management.~~ The classified service is composed of all employees in the service of the City of

Chandler, except those listed below. Positions that fall under the following categories are in the unclassified service and are **AT-WILL AND** exempt from these Rules ~~unless~~ **EXCEPT AS specifically included STATED HEREIN OR SET FORTH IN AGREEMENTS SPECIFIC TO THEIR CITY SERVICE:**

1. Elected officials.
 2. Members of boards, **COMMITTEES**, and commissions **APPOINTED BY THE CITY COUNCIL.**
 3. City Officers **THAT ARE** directly appointed by **AND SERVE AT** the **PLEASURE OF THE** City Council **AS PROVIDED BY THE CITY CHARTER:**
 - a. City Attorney
 - b. City Clerk
 - c. Presiding City Magistrate
 - d. City Manager
 - e. City Magistrates
 4. Volunteer~~s~~ and Reserve~~s~~ employees **THAT SERVE AT THE PLEASURE OF THE DIRECTOR OF THE DEPARTMENT IN WHICH THEY ARE ASSIGNED.**
 5. Employees who are given a temporary appointment **THAT SERVE AT THE PLEASURE OF THE DIRECTOR OF THE DEPARTMENT IN WHICH THEY ARE EMPLOYED.**
 6. Employees in unclassified **AT-WILL** staff positions as determined by the City Manager.
- B. Appointees, ~~and employees,~~ **AND VOLUNTEERS** ~~under categories 2 through 6 of~~ **IN** the unclassified service serve in an at-will capacity and their employment **OR SERVICE** is subject to termination by the City at any time for any lawful reason, unless otherwise specifically provided by law; **RULES OF THE SPECIFIC BOARD, COMMITTEE OR COMMISSION;** or in a written contract of employment.
- C. The appeal provisions of these rules do not apply to any official, appointee, **VOLUNTEER**, or employee in the unclassified service.
- ~~D. Appointees under categories 2 and 3 of the unclassified service serve at the pleasure of the City Council as determined by the City Charter.~~
- ~~E. Employees under categories 4 and 5 of the unclassified service serve at the pleasure of the Director of the Department in which they are employed.~~
- ~~F.D. Category 6 of the unclassified service consists of executive level staff positions determined by the City Manager to require strict accountability due to the importance of the positions to the overall management of the City. Employees~~ **IN AT-WILL POSITIONS** ~~under category 6 of the unclassified service serve at the pleasure of the Council appointee to whom the unclassified~~ **AT-WILL** employees report and are subject to all City rules except **THOSE RULES THAT RELATE TO CLASSIFIED EMPLOYEE STATUS AND THE DUE PROCESS REQUIREMENTS FOR CLASSIFIED EMPLOYEES:** Rule 5, Disciplinary & Appeal Procedures; ~~Rule 6, Section 4, Return to City Employment;~~ Rule 12, Probation; and Rule 14, Section 3, Lay-off.

- ~~G.E.~~ Positions occupied at the time they are designated by the City Manager to be ~~in the unclassified service~~ **RECLASSIFIED AS AT-WILL POSITIONS** shall convert to at-will status only upon being vacated and newly filled.

Section 7. Human Resources Director

The City Manager shall appoint a Human Resources Director. The person appointed by the City Manager as Human Resources Director shall serve those functions of the personnel officer for the City as required by the City Charter. The Human Resources Director shall administer the Personnel System of the City and shall:

1. Publish or post notices of recruitment for positions in the classified service, and if ~~deemed~~ as necessary for those positions in the unclassified service listed in Section 35, ~~paragraphs A. (4) and 3 through (5)~~ 6.
2. Receive applications, prepare, and conduct examinations and certify to the Department Director lists of persons eligible for appointment.
3. Serve as President of the ~~Personnel Fact-Finding~~ **DISCIPLINARY REVIEW** Group **OR APPOINT A DESIGNEE FOR THIS PURPOSE.**
4. Serve as Secretary of the Merit System Board **OR APPOINT A DESIGNEE FOR THIS PURPOSE.**
5. Administer all the Merit System provisions of the City Charter and of the Personnel Rules not specifically reserved to the City Council, City Manager, or the Merit System Board.
6. Prepare and recommend to the City Manager revisions and amendments to the Personnel Rules. The City Manager shall approve such rules and amendments prior to their submission to the City Council for final approval.
7. Prepare a classification plan, including class specifications, and provide for revisions of the plan. The plan and any revisions shall become effective upon approval of the City Manager.
8. Prepare a salary plan and provide for revisions of the plan covering all classifications of the classified service. The plan and revisions of the plan shall become effective upon approval of the City Manager.
- ~~9. ———— Serve as Secretary to the Employee Council.~~
- ~~10.~~ **9.** Perform such other duties as may be assigned by the City Manager not inconsistent with the City Charter and these Rules.

Section 12. Outside Employment

- A. Outside employment of any employee ~~shall not be permitted unless~~ **MUST BE** approved in writing by the Department Director **AND SUCH APPROVAL MUST BE SUBMITTED TO THE HUMAN RESOURCES DIRECTOR, OR DESIGNEE,** prior to the commencement of the outside employment. Such approval shall not be given if it is determined that the outside employment is ~~likely to be~~ incompatible with City service. For purposes of this rule, outside employment includes **ANY FORM OF EMPLOYMENT, BUSINESS RELATIONSHIP, OR ACTIVITY INVOLVING THE PROVISION OF PERSONAL SERVICES, WHETHER PAID OR UNPAID, INCLUDING** self-employment.

RULE 3 - SALARIES

Section 3. Application of Rates

Except as otherwise provided, employees occupying a position in the City service shall be paid within the salary grade for the class under the salary schedule. A new employee shall start at the minimum of the appropriate salary grade unless it is determined that qualified applicants are not available at the minimum of the salary grade, or that an applicant has special qualifications and/or a salary history that justify a higher starting rate than the minimum. The Department Directors may authorize an entrance salary up to ~~10% higher than the minimum~~ **MIDPOINT** of the salary grade **PAY RANGE AFTER CONSULTATION WITH HUMAN RESOURCES.** Any request to exceed ~~40%~~ **THE MIDPOINT** must be coordinated through the Human Resources Director and be approved by the City Manager. In no case, may the new employee's base rate of pay exceed the maximum of the salary grade.

An employee shall not receive a salary increase, ~~which~~ **THAT** would cause the employee's salary to exceed the maximum of the assigned salary grade. If approved by the City Manager, an employee may be permitted to retain a base rate of pay ~~which~~ **THAT** is above the maximum of the salary grade in the case of a comprehensive salary study, an assignment to a temporary detail, or reclassification to a lower grade.

Section 4. Merit Increases and Salary Decreases

- G. If the Department Director does not ~~submit~~ **APPROVE** an action within ~~sixty (60)~~ **THIRTY (30)** days following the eligibility date for a merit increase to either award a merit increase or to defer the merit increase for further evaluation of the employee, then the employee shall ~~automatically~~ receive a full merit increase retroactive to the eligibility date. **THIS ACTION WILL BE COMPLETED BY HUMAN RESOURCES.**

Section 5. Temporary Detail

- A.** Upon recommendation of the Department Director and upon approval of the Human Resources Director, an employee may be detailed, on a temporary basis, to another class and/or position. Assignment to temporary detail shall begin on the first day of a pay period. Such detail normally shall be limited to a period of six months. However, with the approval of the Human Resources Director, the detail may be extended if in the best interests of the City.

- B.** If the detail is to a higher-graded class and is anticipated to last longer than one pay period, the employee shall be paid at the rate of the higher class beginning with the first day of the detail. If ~~one~~ **THE EMPLOYEE** serves less than one pay period, no such payment shall be made.
- C.** If the employee is to be paid at the rate of the higher class, the salary shall be set at least 5% higher than the employee's existing salary. ~~however, the employee's salary may not be increased above the maximum of the salary grade of the higher class~~ **IN COORDINATION WITH THE HUMAN RESOURCES DIRECTOR, THE DEPARTMENT DIRECTOR MAY APPROVE UP TO 10% ABOVE THE EMPLOYEE'S EXISTING SALARY;** however, the employee's salary may not be increased above the maximum of the salary grade of the higher class. **ANY REQUEST EXCEEDING 10% REQUIRES CITY MANAGER APPROVAL.** All benefits, including vacation accrual, **AS WELL AS FLSA STATUS**, shall be temporarily adjusted accordingly during the temporary assignment.
- D.** If the detail is to a class or position at the same or lower salary grade, the employee's salary shall not change.

RULE 6 - PROMOTION, TRANSFER, VOLUNTARY DEMOTION AND RETURN TO CITY EMPLOYMENT

Section 1. Promotion

- A.** When the best interests of the City will be served, vacancies in the classified service shall be filled by promotion of regular employees.
- B.** Only regular employees who ~~have completed their initial probationary period and who meet the position requirements~~ shall be eligible to apply for an internal recruitment.
- C.** Upon promotion to another class, an employee shall receive at least a 5% increase in the base rate of pay. If a 5% increase does not raise the employee's salary to the minimum of the new range, the employee shall receive the minimum of the new range. Promotions will be effective at the beginning of a pay period. Department Director's may authorize up to a 10% increase in the employee's base rate of pay. Any request to exceed 10% must be coordinated through the Human Resources Director and approved by the City Manager. In no case may the employee's base rate of pay exceed the maximum of the salary grade.

[D & E unchanged]

RULE 9 – RECRUITMENT AND EVALUATION

Section 4. Internal Recruitment

- A.** Positions shall be filled by competitive internal recruitment whenever there are a sufficient number of employees who have the experience, training and other qualifications required as determined by the Human Resources Director and the Department Director. If the Human Resources Director and the Department Director determine that the best interests of the City

service would not be served by an internal recruitment, then the position shall be filled by open-competitive recruitment. The qualification requirements for each classification shall be met in any internal recruitment.

- B. Internal recruitment is open only to regular **CITY** employees, ~~in the City Service who have completed their initial probationary period and~~ **THOSE PARTICIPATING IN A CITY-APPROVED INTERNSHIP OR APPRENTICESHIP PROGRAM, AND TEMPORARY EMPLOYEES WHO ARE PAID THROUGH THE CITY PAYROLL SYSTEM** who meet the requirements of these rules and the position.

Section 5. Open-Competitive Recruitment

Open-competitive recruitment shall be used whenever it is determined by the Human Resources Director and the Department Director that the best interests of the City are not served by an internal recruitment. **THE RECRUITMENT SHALL BE OPEN TO THE PUBLIC AND ALL** interested personnel, including ~~City employees in a probationary status~~ **TEMPORARY WORKERS EMPLOYED BY A THIRD PARTY**, who meet the minimum acceptable qualification requirements, may submit applications for consideration.

RULE 12 – PROBATION

Section 1. Period of Probation

~~D. All employees, including initial entry public safety employees and detention officer trainees, who complete six (6) months of probation shall be eligible to use accrued vacation, provided they are either:~~

- ~~1. granted eligibility to use vacation by the Department Director for employees serving more than six (6) months probation, or~~
- ~~2. are confirmed to regular status by the Department Director for employees serving a six (6) month probation. Employees serving a six-month probationary period who have their probation extended shall not be granted eligibility to use accrued vacation leave until the probation is successfully completed.~~

~~Probationary employees may use accrued vacation in the event of industrial injury, as provided in Rule 15, Section 11. Employees who have resigned and who return to City employment within two years of their resignation may use vacation leave as it is accrued if the employee is not required to serve an initial probationary period.~~

RULE 15 – LEAVES OF ABSENCE

Section 2. Leave Authorization (Vacation)

- A. VACATION LEAVE CREDITS MAY BE USED IN THE PAY PERIOD FOLLOWING ACCRUAL.**

- AB.** In order to receive paid vacation leave, the employee must complete and submit a Leave of Absence Request Form for approval prior to the date of leave. If the request is denied by the Department Director, the reasons shall be stated on the Leave of Absence Request. A copy ~~signed by the Department Director~~ **OF THE APPROVED OR DENIED LEAVE OF ABSENCE REQUEST** shall be given to the employee. Failure to request vacation leave prior to the date of leave shall be sufficient reason to deny the leave. In a bona fide emergency, the Department Director may approve the vacation leave after the fact. The determination as to whether a bona fide emergency existed shall be at the sole discretion of the Department Director.
- BC.** Vacation Leave of more than two consecutive weeks immediately preceding an employee's retirement date or resignation date shall require the approval of the City Manager.

Section 3. Leave Authorization (Sick Leave)

- A. SICK LEAVE MAY BE USED IN THE PAY PERIOD IMMEDIATELY FOLLOWING ACCRUAL.**
- AB.** Department Directors will establish written reporting and notification procedures that employees shall follow when the use of any sick leave is required.
- BC.** The Department Director may authorize the use of vacation credits for sick leave if the employee's sick leave credits have been exhausted and the employee is eligible to use vacation credits and has vacation credits available.
- CD.** The employee, or supervisor, if the employee is not able, shall complete a Leave of Absence Request stating the reasons for the absence. If the Department Director or supervisor denies the request, the reason shall be stated on the Leave of Absence Request.
- DE.** The employee is responsible for notifying the supervisor of the intent to take leave for a pre-scheduled appointment in as timely a manner as possible.
- EF.** Eligible employees are entitled to Family and Medical Leave as established by the Family and Medical Leave Act (FMLA). Leave requested under FMLA will be administered by policy as established by the City Manager.

Section 7. Separation Pay for Vacation Credits

- A.** Every employee ~~who has regular status or has been granted the right to use vacation credits by the Department Director, and~~ who has vacation credits and leaves the City service for any reason shall have such credits paid on the last paycheck issued to the employee by the City. Payment shall be made based on the employee's base rate of pay. If the employee is on temporary detail at the time of separation ~~from~~ **FROM** City ~~Service~~, the detail salary shall not be used for payment of vacation leave.