

CITY OF EL MIRAGE

EMPLOYEE POLICY MANUAL

ADOPTED: [DATE]

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WELCOME

Welcome to the City of El Mirage! We are pleased that you have chosen to join our City and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the City of El Mirage's goals.

You are joining a City that has a reputation for outstanding staff and leadership. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer effective services. With your active involvement and support, the City of El Mirage will continue to achieve its goals. We sincerely hope you will take pride in being an important part of the City of El Mirage's success.

Please take time to review the policies contained in this employee policy manual. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department.

MISSION, VISION, AND VALUES

Mission: To protect and enhance the quality of life through leadership, partnerships, and the efficient delivery of outstanding service to our diverse community.

Vision: To embrace progress while respecting El Mirage's grand heritage.

Values: The City of El Mirage is committed to:

- Transparency
- Fiscal Responsibility
- Environmental Stewardship
- Community Engagement
- Excellence in all we do

GENERAL PROVISIONS

SECTION 1: APPLICABILITY AND INTERPRETATION

Application: This Employee Policy Manual contains the employee policies of the City of El Mirage. These policies generally apply to all City employees. These policies do not apply to the Mayor or members of City Council. **These policies do not establish tenure or contractual rights for any employee.** The City may waive irregularities in these policies at its convenience.

Hyperlinks to external documents, administrative policies, forms, and/or webpages that are found in the Employee Policy Manual are provided for illustrative purposes only, for the convenience of the reader, and are subject to change

Previous Policies: These policies supersede all previous written and unwritten personnel policies and guidelines and past employee practices of the City and supersede any inconsistent department or division policies. Separate department or division policies that are more restrictive due to the operational needs of the department or division shall remain in effect.

Conflicts: In the event of a conflict between these policies and the provisions of a written employment contract, the contract shall prevail. In the event of a conflict between these policies and any applicable law, the law shall prevail, unless the conflict is with a state employment law which the City has superseded by ordinance under the authority granted by State Statute or the Arizona Constitution. In the event of a conflict between these policies and any Memorandum of Understanding (MOU) the City may have with any recognized employee organization, the MOU shall prevail, unless the conflict is with City Code or federal or state law.

Severability: If any section or part of these policies or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section of these policies is restrained by a court, the remainder shall

not be affected and shall remain in full force and effect unless the context as a whole indicates that another section should be invalidated as well to conform with the City's intent.

Interpretation: The provisions of this manual are intended to be construed together. Any inconsistency or vagueness will be resolved by a written interpretation from the Human Resources Director or City Attorney. Copies of such interpretations will be kept and maintained by Human Resources with the official copy of this manual.

SECTION 2: MANAGEMENT AUTHORITY

The City retains the full right and responsibility to direct the operations, policies, and procedures, and exercise the rights of management.

The City Manager may delegate his/her authority to other employees within the organization.

SECTION 3 IMPLEMENTATION AND DISSEMINATION

City Code: City of El Mirage, Arizona Code of Ordinances contains the overall policy of the Mayor and City Council to guide and determine present and future personnel-related decisions of the City. The Mayor and City Council have the sole, exclusive right and authority to create and issue code provisions.

Employee Policies: The Council shall, by resolution, adopt an employee policy manual. This Employee Policy Manual provides the specific processes, rules, and courses of action by which employment provisions of the City Code are carried out by the City Manager. Employee policies cover topics including, but not limited to obligations and responsibilities in matters of employment; professional and personal conduct; hours of work, attendance, and leave; classification and compensation; performance management; benefits; safety and health; employee development; and dispute resolution. Employee policies provide guidance for daily administration by expanding

and explaining certain procedures or other information instructive to carrying out the Council-adopted Code provisions.

The City Manager is responsible for implementing, communicating, and enforcing all City-wide employee policies.

Management Responsibilities: Management level employees shall be thoroughly familiar with policies, properly administer policies, and ensure that subordinate employees follow policies.

Department-Specific Procedures: Department Directors are authorized and directed to prepare any necessary department-specific policies that are consistent with the policies contained in this manual. Any such department-specific policy related to employees will be submitted by the Department Director to the Human Resources Director for review for compliance and consistency with this manual. Department procedures which are operational in nature and not related to employees are not required to be reviewed or approved pursuant to this section.

Employee Responsibilities: Employees are responsible for acknowledging receipt of the manual and familiarizing themselves with this manual, as well as other pertinent policies specific to their department. Employees must seek clarification of any provision, section, or policy which the employee believes is unclear or which the employee does not understand. It is the employee's responsibility to be familiar with and follow current employee policies.

Availability: This manual is maintained and updated by the Human Resources Department and is available in electronic format on an internal City webpage.

Notice: Employees of the City will receive notice of any amendments to this manual.

Disclaimer: Any rule or portion of a rule based on federal or state law will be followed based on the most current regulation even if the Employee Policy Manual has not been updated.

CODE OF CONDUCT

SECTION 1: GENERAL

Performance of Duties: As employees of a governmental entity providing public service, employees of the City of El Mirage should perform official duties diligently, conscientiously and to the best of their ability. Employees should always perform their duties with courtesy and respect for the public and for co-workers and without bias or prejudice.

Employees should perform their duties impartially in a manner consistent with law and the public interest, and not swayed by relationship, position, biased interests, public pressure or fear of criticism or retaliation.

Employees should bring to the attention of their supervisor any condition that is detrimental to the image of the City of El Mirage, or that may present a threat of liability, a threat to safety, or a breach of law. The City will not retaliate against any employee who makes such a disclosure.

Code of Conduct: The City recognizes the importance of professional standards within the organization as well as the services it provides to the community. The success of the services provided to the public, customers, and employees is dependent upon the important qualities of adhering to commitments and displaying honesty and integrity in the performance of City jobs. All employees are required to treat co-workers, management, subordinates, customers, and the public with respect and dignity despite differences of opinion. Efficiency and productivity of City operations always rely on employees maintaining proper standards of conduct.

The highest standards of ethical business conduct are required of employees in performance of their responsibilities. Employees will not engage in conduct or activities that may raise questions as to the City's honesty, impartiality, or reputation or otherwise cause embarrassment to the City. Adherence to the code of conduct is crucial to maintain public confidence and trust in the City. Employees are expected to conduct

business in such a manner to give the clear impression that they cannot be improperly influenced in the performance of their duties. Employees are to perform their job to serve and benefit the public and are bound to uphold and carry out all applicable laws and City policies impartially.

Every employee has the responsibility and right to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with the code of conduct. Management has a responsibility to create an open and supportive environment in line with the code of conduct.

Loyalty Oath: All employees are required to subscribe to the loyalty oath (Oath of Office) upon employment with the City as required by state law; [Arizona Revised Statute §38-231](#).

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity (EEO): The City of El Mirage provides equal employment opportunities to all employees and applicants for employment without regard to race, color, sex, gender, sexual orientation, age, religion, national origin, disability, marital status, veteran status, genetic information, or any other class protected under local, state, or federal law.

The City will carry out all activity in compliance with its EEO policy and all laws governing nondiscrimination. These employment activities include but are not limited to recruiting, hiring, promotion, disciplinary action, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

EEO is consistent with the basic merit system principle that all persons be afforded equal opportunity solely based on job-related criteria, and all employment decisions will be made based on merit, in conformity with EEO principles. The City considers a violation of this policy to constitute misconduct that undermines the integrity of the employment relationship.

Uniformed Services Employment and Reemployment Rights Act (USERRA): The City complies with the requirements of USERRA which prohibits employment discrimination against a person based on past military service, current military obligations, or intent to serve. The City will not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person based on a past, present, or future military service obligation.

Americans with Disabilities Act (ADA) and Reasonable Accommodation: The City complies with the ADA which requires employers to reasonably accommodate qualified individuals with disabilities. The City will carry out all employment activities in accordance with all applicable laws governing nondiscrimination of qualified individuals with a disability. These employment activities include but are not limited to recruiting, hiring, promotion, disciplinary action, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

A qualified individual with a disability means a person who with or without reasonable accommodation can perform the essential functions of the position that the individual holds or desires. Reasonable accommodation for a qualified individual with a disability will be provided unless such accommodation would impose an undue hardship or cause a significant risk to workplace safety.

Accommodation: An employee having difficulty performing the essential functions of their position because of physical or mental disability may request a modification or adjustment in the work environment to enable the employee to perform the essential functions of the position; this is known as an accommodation. Essential function means a job duty fundamental to the position and can include job functions unique to the position or special skills and abilities unique to the position or person who must fill the position.

Accommodation Request: A request for accommodation can be made to an employee's supervisor or the Human Resource Department. A request for accommodation is any information from which a person could reasonably conclude that the employee needs a modification or adjustment in the work environment because of a physical or mental condition.

The City will engage in an interactive process with an employee or applicant with a disability to make a reasonable accommodation for the known physical or mental disabilities of an otherwise qualified individual with a disability unless undue hardship would result. An undue hardship means significant difficulty or expense, based on a case-by-case assessment of factors such as the nature and cost of the requested/proposed accommodation and the impact of the accommodation on the City.

Employees requesting an accommodation may be required to provide reasonable documentation about the disability and/or functional limitations.

SECTION 3: ANTI-DISCRIMINATION AND ANTI-HARASSMENT

Anti-Discrimination and Anti-Harassment: The City strives to provide an environment free of actions constituting harassment or discrimination and/or other conduct prohibited by federal and state law; therefore, the City does not tolerate discrimination or harassment. All allegations of discrimination and harassment will be investigated promptly and thoroughly.

Definition of Discrimination: Discrimination is defined as the differential treatment of a person or group of people based on actual or perceived race, color, sex, gender, sexual orientation, age, religion, national origin, disability, marital status, veteran status, genetic information, or any other class protected under local, state, or federal law. The City is committed to a workplace free from discrimination; and therefore, discrimination is prohibited in employment activities including but not limited to recruiting, hiring, promotion, disciplinary action, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Reasonable accommodations for religious observances and practices of employees or prospective employees will be provided unless such accommodation would impose an undue hardship or cause a significant risk to workplace safety. Employees must submit a request for accommodation to their supervisor and/or Human Resources. Supervisors must confer with Human Resources regarding any accommodation request for final

resolution. The extent of the City's obligation is determined by considering business necessity, financial costs, and expenses, and resulting employee issues.

Definition of Harassment: Harassment is defined as unwelcome conduct towards a person or group of people based on race, color, sex, gender, sexual orientation, age, religion, national origin, disability, marital status, veteran status, or genetic information. The City is committed to a workplace free from harassment; therefore, harassment is prohibited in the workplace.

Sexual harassment is defined as unwelcome physical, verbal, or visual sexual advances, requests for sexual favors, or other sexually oriented conduct that is offensive or objectionable to the recipient. This could include behavior that demeans, embarrasses, humiliates, annoys, or alarms. This would include but is not limited to remarks of a sexual nature about a person's clothing or body or remarks about sexual activity or speculations about sexual experiences.

Harassment includes, but is not limited to, the following behaviors:

Verbal and/or Written Harassment: Nicknames, derogatory comments, explicit or implied threats, sexual propositions, slurs or otherwise offensive words or comments based on the characteristics defined above, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes inappropriate sexually oriented comments on appearance, including dress or physical features, or sex-oriented stories.

Physical Harassment: Assaulting, impeding, or blocking movement, physical interference or movement when directed at an individual based on the characteristics defined above. This includes touching, pinching, patting, grabbing, leering, kissing, hugging, and promises in return for submission to physical acts.

Visual Forms of Harassment: Derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, or pictures based on the characteristics defined above. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.

Complaint Reporting: Employees who have complaints of discrimination or harassment should report it immediately through their chain of command and/or to Human Resources.

Withdrawal of Complaint: The complainant may withdraw the complaint at any point during the investigation but must do so in writing. Withdrawal of a complaint does not limit the City's right to proceed with an investigation.

Complaint Process: When an employee complains of discrimination or harassment, the following procedure will apply:

Any person in a chain of command who receives a complaint regarding discrimination or harassment must notify the Human Resources Director immediately.

Management employee with direction from Human Resources may attempt to resolve the complaint, but if they are unable to do so, the complaint will be referred to Human Resources.

The Human Resources Director or designee will appoint an appropriate individual to thoroughly investigate the complaint. The complaint will be kept confidential to the extent permitted by law.

Upon conclusion of the investigation, the Department Director or Human Resources Director will document the findings and/or resolution to the complainant.

Any employee who engages in discriminatory or harassing behavior, makes a discrimination or harassment complaint in bad faith, knowingly files a false claim, or retaliates against an employee for making a complaint of discrimination or harassment may be subject to disciplinary action up to and including termination of employment.

SECTION 4: PERSONAL RELATIONSHIPS

Personal Relationships: This policy provides guidelines on and cautions employees of the potential problems posed by intimate relationships with other employees. These problems include conflict of interest, interference with productivity of co-workers, and potential charges of sexual harassment. These problems can be particularly serious in situations in which one person has a position of authority over the other, such as a supervisor-subordinate relationship. Management employees are required to take the necessary steps to resolve any actual or potential conflict of interest or impropriety created by a relationship.

The City does not prohibit consensual relationships between employees but does prohibit sexual or intimate relationships between a supervisor and subordinate. Supervisor is inclusive of any supervisor in the subordinate's chain of command. If a situation occurs where there is a sexual or intimate relationship between a supervisor and subordinate, both employees must immediately advise Human Resources of the relationship and one of the affected employees must submit a request to the Human Resources Director for a transfer. If a transfer cannot be completed within 90 days, one of the affected employees must resign their position. During the 90-day period, employees may be required to take leave or may be temporarily reassigned. If a voluntary resignation is not received, the City will terminate one of the affected employees using the same criteria and process referenced in the [Reduction in Force Policy](#). Employees who fail to report their involvement in an intimate relationship between a supervisor and subordinate are subject to discipline, up to and including termination.

Nepotism: Immediate family members will not be employed in positions where one is in the supervisory chain of the other. If employees become relatives after appointment, both employees must immediately advise Human Resources of the relationship and one of the affected employees must submit a request to the Human Resources Director for a transfer. If a transfer cannot be completed within 90 days, one of the affected employees must resign their position. During the 90-day period, employees may be required to take leave or may be temporarily reassigned. If a voluntary resignation is not received, the City will terminate one of the affected employees using the same criteria

and process referenced in the [Reduction in Force Policy](#). Employees who fail to report a familial relationship are subject to discipline, up to and including termination

The immediate family is defined as follows (related by blood, marriage, or as a legal dependent): Spouse, child, parent, sister, brother, grandparent, or grandchild.

Any member of the immediate family of an elected official (Mayor or City Council) of the City of El Mirage cannot be offered employment with the City. If a member of an employee's immediate family becomes an elected official of the City, the employee is to inform the Human Resources Department in writing of the employee's relationship with the elected official. Employees who fail to report a familial relationship are subject to discipline, up to and including termination.

No employee of the City of El Mirage is permitted to make or participate in employment related decisions of any person related to him/her by blood, marriage, or as a legal dependent.

SECTION 5: WORKPLACE VIOLENCE

Workplace Violence: The City wants to ensure the work environment is safe and free from violence or threats of violence, and therefore, such conduct is not tolerated. It is every employee's responsibility to immediately report workplace violence or threats of violence to Human Resources and management. Workplace violence is defined as an act of aggression, physical assault, threatening behavior, or verbal abuse that causes physical or emotional harm or any statement that could be perceived as intent to cause harm.

Examples include but are not limited to:

- Physical assault – hitting, pushing, shoving, kicking, biting, or use of a weapon;
- Verbal or written threats – any expression of an intent to inflict physical or psychological harm;

- Threatening behavior – shaking fists, pounding on a desk, punching/kicking objects, screaming, or stalking; and
- Property damage, vandalism, theft, arson, or sabotage.

Workplace violence includes violence and threats of violence by employees, citizens, customers, and any other third party. All threats of violence will be taken seriously and investigated accordingly by the Department Director, Human Resources Director, or their designee. The level of risk will be immediately established to determine whether the threat is critical or life threatening and determine immediate steps, if any, to ensure that safety is maintained.

Facts will be gathered to assess the seriousness and validity of the threat. Written statements may be required from the complainant and/or the alleged violator and the investigation may include interviewing employees and other witnesses who may have knowledge of the alleged threat. Upon completion of the investigation, the Department Director or their designee will notify and/or meet with the complainant and the alleged violator regarding the disposition of the investigation. Employees engaging in workplace violence will be subject to discipline up to and including termination of employment.

The City reserves the right to share investigation results with authorities as needed and appropriate actions for emergency situations may dictate immediate intervention of police or other outside authorities. Violence or threats of violence may violate various federal, state, or local laws and may subject the violator to criminal or civil liability for such unlawful conduct.

Workplace Bullying: The City is committed to a workplace free from bullying. Workplace bullying refers to unreasonable actions of individual(s) directed towards employee(s), which are intended to intimidate, degrade, humiliate, or undermine or which create a risk to the health or safety of an employee. Workplace bullying often involves an abuse or misuse of power. Workplace bullying can constitute harassment or discrimination if the target is a member of a protected class and the bullying rises to the actions described in those policies.

Bullying behavior is not always distinct, visible, or blatant but may be covert, passive aggressive, trivial criticisms, or isolated actions. Any employee who feels they are the target of bullying or anyone who witnesses bullying must immediately report it to management and/or Human Resources. Any management employee who receive a complaint of bullying must attempt to resolve the issue promptly and must report it to Human Resources. An additional investigation may be conducted as necessary by the Department Director, Human Resources, or their designee. The complainant and the accused employee may be brought together to resolve the issue and will receive communication regarding the findings and/or resolution to the complaint.

Weapons: In the performance of job duties, while on City property, in City buildings, or in a City vehicle, employees are not allowed to possess a deadly weapon either concealed or unconcealed. Deadly weapons include, but are not limited to, explosives, firearms, and prohibited weapons as those terms are defined by [Arizona Revised Statutes §§ 13-3101A](#) (1), (3), (4), and (7), but do not include non-lethal weapons including but not limited to mace and pepper spray. This prohibition applies to all City employees, excluding sworn Police employees. Employees may possess or secure a weapon in a personal vehicle even if that vehicle is on City property. Employees may possess weapons as permitted by state law on City property while off duty.

Retaliation: Retaliation in any manner including making reprisals, threats of reprisal, or implied threats of reprisal against a person for filing a complaint, testifying, or participating in any way in an investigation, proceeding, or lawsuit or opposing any employment practice contrary to the City's policies is not tolerated. Anyone who participates in retaliatory behavior may be subject to disciplinary action up to and including termination of employment. Examples of retaliation include the actual actions or the threatening of actions that include but are not limited to denial or withholding support for a promotion, change of assignment or pay increase, refusal to hire, disciplinary action, termination, undeserved negative performance evaluation, undeserved negative references, increased observation, and making negative comments.

SECTION 6: PARTICIPATION IN INVESTIGATIONS

Participation in Investigations: The City Manager, Human Resources Director, or Department Director have the discretion to determine whether an investigation is appropriate or necessary and all employees are required to cooperate. Investigations may be recorded. Employees are required and expected to truthfully give all pertinent facts and information on any matter under investigation by the City. Employees have the responsibility to bring to the attention of the investigator any evidence, witness information, or other pertinent information they believe is relevant. Failure to cooperate or impeding an investigation may subject an employee to disciplinary action up to and including termination of employment. In addition, employees are prohibited from harassing, intimidating, coercing, or threatening an employee who has made a complaint or participated in an investigation; doing so, may subject that employee to disciplinary action up to and including termination of employment.

Whenever necessary, at the City's discretion, work areas, technology, and all other City property may be subject to search with or without notice. Employees have no reasonable expectation of privacy with respect to City work areas or City equipment.

Confidentiality in any investigation is vital to receiving uninfluenced and independent information to maintain integrity and objectivity; therefore, those involved in an investigation shall not communicate concerning the proceedings in any way that could be detrimental to the investigation. Participants in investigations shall not share or discuss any information that was inquired about or discussed or any portion of the ongoing investigation if doing so would or could hinder the outcome or purpose of the investigation.

SECTION 7: TRAVEL

Travel: is subject to the [Travel Wage Administrative Policy](#).

Compliance: All employees who intend to incur expenses while traveling on authorized City business are required to review the [Travel Wage Administrative Policy](#) in advance of such travel. Employee deviation from this policy may be grounds for disciplinary action.

SECTION 8: POLITICAL ACTIVITY

Political Activity: Employees are not permitted to be a candidate for, or hold office as, a City Councilmember or Mayor of the City of El Mirage. Any employee desiring to hold such an office must resign from their position prior to obtaining signatures on a petition for the office or beginning any campaign for the office. Mutual immediate separation of employment will occur upon the filing of candidacy for the City office.

Elected Officials are not permitted to work for the City, while serving as an elected official and for 12-months following their term end date.

Employees shall not be required, as a condition of their employment, to support or oppose a candidate for a political office or to support or oppose any measure submitted to the voters.

Campaigning: The City seeks to maintain a reasonable and fair work environment by maintaining political neutrality to the extent possible. Employees of the City of El Mirage have a right to entertain and express personal opinions about political candidates and issues; however, when performing their duties on behalf of the City or otherwise holding themselves out as a City employee, employees of the City shall maintain neutrality in action and appearance, except where an employee's position entails political advocacy on the part of the City, or as outlined herein below.

City employees are not permitted to use any influence or pressure upon any other employee to obtain any property or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

Each employee retains the right to vote as the employee chooses.

City employees are not permitted to engage in political activity in any City of El Mirage election other than to sign a petition, cast a vote, or express an opinion.

The one exception is that employees are free to participate actively in political campaigns for City of El Mirage elections during non-working hours provided they are affiliated with a lawful group (political actions groups, homeowner groups, fraternal organizations, veterans' groups, police associations, fire associations, etc.) that conducts itself in a lawful manner.

An employee who is a member of a group and chooses to participate in political activity may do so only during off-duty hours and is not permitted to use his or her position within the City or resources of the City in connection with such political activities, and is not permitted to wear a City uniform, identification badge or other City insignia while engaging in such activity.

Candidate for Office: Political activity on the national, state, or county level is unrestricted, except that any employee seeking election must refrain from any campaign activity while on duty or while wearing the uniform or insignia of the City and must refrain from the use of City resources for such political activity. The State level includes any governmental subdivision of the State except the City of El Mirage. An employee holding office in another political subdivision, school district, or at the national, state, or county level is required to arrange their schedule so as not to interfere with the employee's performance of their duties as an employee of the City of El Mirage.

Political Activism: Employees are not permitted to engage in political activity during scheduled work hours, or when using government resources including but not limited to

vehicles, City computers or equipment, or on City property. Political activity includes, but is not limited to:

- Displaying literature, badges, stickers (except bumper stickers on the employee's personal vehicle), signs, or other items of political advertising on behalf of any party, committee, agency, candidate for political office or measure/issue on, or sought to be placed on, the ballot.
- Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in City employment to become a member of any political organization or to take part in any political activity.
- Soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot.
- Soliciting or receiving funds for political purposes.

Political Discrimination: Employees are not permitted to discriminate in favor of or against any employee or applicant for employment on account of political contributions, political patronage, or permitted political activities. Any employee that feels they are being retaliated against must report the retaliation in writing to the Department Director or Human Resources Director within 30-days of the adverse employee action. If the Department Director receives a complaint of retaliation, they must immediately report it to the Human Resources Director. The Department Director, Human Resources Director, or their designee will investigate the complaint to determine its merit. The Department Director, Human Resources Director, or their designee will communicate the result or resolution of the investigation to the affected parties. If retaliation is substantiated, any adverse employee action will be reversed.

SECTION 9: CONFLICTS

Conflicts of Interest: A conflict of interest is a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest. Employees are expected to devote their best efforts to the interests of the City, and any business dealings that create or appear to create a conflict between the interests of the City and

an employee are unacceptable. The City maintains compliance in accordance with [Arizona Revised Statute §38-503](#) on Conflicts of Interest.

The following is a non-exhaustive list of activities considered a conflict of interest with employment in the City:

- No employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions.
- No employee should request or accept any fee or compensation beyond that received by the employee in his or her official capacity for advice or assistance given during his or her public employment.
- Each employee shall use the public resources, property, and funds under the employee's control responsibly, for the public purpose intended by law and not for any private purpose.
- If an employee plans to become involved in business dealings that would create or appear to create a conflict of interest, they must notify the Department Director prior to engaging in those activities.

Accepting of Gifts, Gratuities, Hospitalities: Employees should not accept gifts, loans, gratuities, discounts, favors, hospitality, services, or other compensation under circumstances from which it could reasonably be inferred that a purpose of the donor is to influence the employee in the performance of duties.

Examples of acceptable courtesies generally include items of nominal value (\$25 or less) and may include a meal, a social event, and floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, or promotion. An employee may accept special events that exceed a nominal value with the advance approval of the Human Resources Director, Deputy City Manager, or City Manager, where the City is being represented, the event is offered as part of a conference, or the employee's acceptance is in furtherance of the City's interests.

Volunteer Services: Non-exempt employees are not allowed to volunteer for the City when the volunteer hours involve the same type of services (as defined by FLSA) for which the individual is currently employed to perform.

City Contracts and Procurements: The Finance Department administers the City's [Purchasing Code](#), which contains the rules which govern the purchasing of goods, supplies, and services by City departments. The code also provides fair and equitable treatment of all persons involved in the purchasing process, to obtain the highest possible value in exchange for public funds, and to safeguard the quality and integrity of the City's purchasing system.

The Finance Department oversees the City's Procurement Card Program. The program provides authorized card holders with an alternative for purchasing goods, supplies, and services from vendors for purchases that do not require formal authorization prior to acquisition. Click to view the [Internal Procurement Procedures](#).

Employees shall not participate in negotiating, securing, drafting, creating, awarding, administering, or managing any contract or procurement on behalf of the City with or to any person, entity, or vendor: (a) by whom the employee or any immediate family member of the employee is employed; (b) that is owned by the employee or immediate family member(s) of the employee; or (c) in which the employee or immediate family member(s) of the employee has a controlling interest.

Secondary Employment: Regular full-time employment by the City is considered an employee's primary occupation and takes precedence over all other occupations. Full-time employees may not have other employment, which presents a conflict of interest or a time conflict. All secondary employment must be reported in accordance with this policy. The City, in its sole discretion, will determine whether the secondary employment presents a conflict of interest or time conflict.

A conflict of interest exists when an employee's secondary job tends or appears to interfere with the employee's job responsibilities with the City, negatively affects workplace safety, or involves the use of the City's time, facilities, equipment, or supplies, or may be viewed as work on behalf of the City. Secondary employment of police must also conform to Police Department Policies and Procedures.

A time conflict exists when the working hours of a secondary job directly conflict with an employee's work schedule, mandatory overtime, or emergency service obligations, if

any, or when the demands of a secondary job prohibit adequate rest or otherwise negatively affect the employee's job performance.

The employee must complete and submit the [Secondary Employment Form](#) to their Department Director for approval. All requests for secondary employment must be sent to Human Resources and maintained in the employee's personnel file.

Employees are encouraged to engage in volunteer activities. However, employees should evaluate their volunteer activities in the same manner as secondary employment to identify any potential conflict with the employee's position with the City of El Mirage. Employees should discuss any potential conflicts with their Department Director.

SECTION 10: USE OF PUBLIC PROPERTY AND RESOURCES

Use of Public Property: Employees are not permitted to request, use, or permit the use of City vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such City property is to be restricted to the conducting of official City business.

Any employee of the City of El Mirage found responsible for damage to or loss of City property through negligence or abuse will be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, materials or supplies should not be removed from their location without the approval of the Department Director or City Manager.

Uniforms and protective clothing provided by the City to employees and any other clothing bearing City identification may only be worn while performing official City duties and while traveling to and from the worksite. City uniforms and protective clothing should not be worn while performing work for another employer unless authorized by department policy or the City Manager.

Use of City Vehicles is subject to the [Use of City Vehicles Administrative Policy](#).

Employees must adhere to Federal, State, and local laws when operating a City-owned vehicle. All persons driving or riding in a City vehicle must wear a seat belt in compliance with state law. Employees are strictly prohibited from operating a City vehicle while under the influence of alcohol or illegal drugs, and from using prescription or over-the-counter medication which may impair their ability to safely operate a motor vehicle. Employees shall not operate electronic devices while driving unless hands-free equipment is used. If hands-free equipment is not available, employees should pull off the road at a safe location to use the device.

Public Safety employees may use electronic devices, for public safety related communications, while driving. Firearms are only permitted in City vehicles when carried by sworn Police in the performance of their duties.

Transporting passengers shall be limited to City employees, persons in an advisory capacity to the City, persons participating in approved City programs including Ride-Along programs, and other City representatives on City business.

Use of City Resources: The use of e-mail, telephones, television, computers, Internet services and office machines provides many benefits for the City and its employees. The Internet, telephones, and e-mail make communication more efficient and effective as well as provide a tool for learning and developing new skills. Therefore, employees are encouraged to use these services appropriately. Inappropriate use of e-mail, telephones, television, and the Internet can place the City and others at risk.

City Phones: City phones are to be used for business purposes. Personal calls on land line or cell phones by employees during work hours should be kept to a minimum so as not to interfere with work.

Electronic Communications: Employees are prohibited from engaging in certain activities when using electronic communications. These include, but are not limited to:

- Using the Internet, e-mail, television, and telephone system for transmitting, retrieving, or storing any communications of an obscene, X-rated, defamatory, discriminatory, or harassing nature. Messages with derogatory or inflammatory

remarks about an individual's race, age, sex, disability, religion, national origin, physical attributes, sexual orientation, or other offensive descriptor shall not be transmitted or received, regardless of whether the receiving party views the material as unwanted. Harassment of any kind by use of City electronic media is strictly prohibited.

- Transmitting disparaging, abusive, profane, or offensive language.
- Transmitting or downloading materials that would adversely or negatively reflect upon the City or be contrary to the City's best interests.
- Any illegal activities -- including piracy, cracking, extortion, blackmail, chain letters, copyright infringement, and unauthorized access to any computers on the Internet or e-mail are prohibited.
- Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images is prohibited.

Employees are to report the receipt or knowledge of electronic messages in violation of this section to their supervisor immediately.

Employees have no expectation of privacy in connection with the use of City equipment or systems, or with the transmission, receipt, or storage of information using the equipment.

Internal and external e-mail messages are considered public records and may be subject to inspection and copying by the public.

All employees are responsible for protecting against unauthorized disclosure of confidential information. Confidential information includes, but is not limited to the following:

- Social security numbers.
- Computer system passwords and security codes.
- Information confidential under the attorney/client privilege.
- Litigation or other formal charges pending or in process and investigation of complaints.

- Medical information and information designated as Protected Health Information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA).

Employees are expected to prevent the unauthorized use of the City's Internet and e-mail systems by locking their computer when not actively working to ensure security of the City property and network infrastructure.

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

SECTION 11: ARRESTS AND CONVICTIONS

All arrests must be reported to the City. All criminal convictions must be reported to the City (whether it's a misdemeanor or felony). Employees must report arrests or convictions to the Department Director and the Human Resources Director within 7 calendar days or at the first possible opportunity if the employee is incarcerated. For convictions, the employee must submit all supporting court documentation to the Human Resources Director. Arrests or convictions of a criminal offense that occurs while on the job or while employed by the City that would affect the employee's suitability for continued employment or failure to notify may result in disciplinary action up to and including immediate termination of employment.

SECTION 12: FRAUD AND ABUSE

Fraud Prevention is subject to the [Fraud Prevention Policy](#).

It is the intent of the City to promote consistent organizational behavior which creates and maintains a culture of honesty and high ethical standards.

This applies to fraud or suspected fraud involving any employee, as well as vendors, consultants, contractors, funding sources, and/or any other parties with a business relationship with the City. Fraud is defined as the intentional false representation or concealment of material fact(s) for the purpose of inducing another to act upon it to their injury.

Employees in management positions are responsible for the detection and prevention of fraud, misappropriations, and other irregularities and should be familiar with the types of improprieties that might occur within their area of responsibility. Every employee has the right and responsibility to report suspected fraud, misappropriation, or other irregularities. Employees can report suspected fraud through their chain of command and/or to Human Resources.

City resources are to be used for lawful municipal purposes and use of resources must not be abused. Employees must act responsibly in the care and use of City resources, must not negligently or intentionally abuse, damage, lose, misappropriate, misuse, steal, or waste City resources. The City has the right with or without notice to enter and inspect all property and any employee work area including but not limited to desks, filing cabinets, telephones, and computers.

SECTION 13: PERSONAL APPEARANCE

All employees are expected to appear in a manner that will reflect favorably upon themselves as well as the City. Employees are expected to be appropriately dressed and groomed to project an image of credibility and competence while at work or when representing the City in their position whether during regular work hours or off work hours. It is essential that each employee dress in a safe manner appropriate to their job duties and work environment. Departments may establish specific dress code standards for safety reasons, the work environment, or other department needs. Some departments will require a specific uniform. The standard dress for employees not required to wear a uniform is business casual or business professional. For those not required to wear a uniform, casual attire is accepted on Thursday and Friday unless

business scheduled for the day warrants more professional wear. Although the attire or dress will vary based on position and/or department, all employees are expected to practice good hygiene and grooming habits that project neatness and cleanliness.

It is the responsibility of management employees to ensure that employees are appropriately dressed and groomed. If a supervisor feels the attire and/or personal grooming of their employee is inappropriate, the employee may be asked to leave the workplace until properly dressed and/or groomed. Time away from work if sent home due to being improperly dressed or groomed is not paid time; vacation leave may be used.

Accommodation: Any request for an accommodation because of an employee's race, religion, national origin, gender, or other protected class should be made in accordance with the reasonable accommodations procedures outlined in the [Anti-Discrimination and Harassment Policy](#).

SECTION 14: SOCIAL MEDIA

Social Media: is subject to the [Use of Social Media Administrative Policy](#).

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, message boards, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a real-time manner.

Employees may not publish, post, or release confidential, non-public, proprietary, protected health, legal, operational, or financial information about the City, its customers, or employees on social media. For questions concerning prohibited release of information, employees should check with the Deputy Director of Intergovernmental and Public Relations.

Employees should be aware of how their actions may reflect on their image, as well as the City's image and should adhere to the [Code of Conduct](#) and other City policies when

using social media. Employees should avoid the appearance that they are speaking on behalf of the City when posting on social media. Employees should be aware that the City may observe content and information made available by employees through social media.

Subject to applicable law, inappropriate conduct on social media, including work and non-work hours, that could be detrimental to the City may result in disciplinary action up to and including termination of employment. Examples of inappropriate conduct on social media includes but is not limited to posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

SECTION 15: CONSTRUCTIVE DISCHARGE

Constructive Discharge: Employees are encouraged to communicate to the City whenever they believe working conditions may become intolerable and may cause them to resign. Under state law, an employee may be required to notify the City 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 City alleging that the working condition forced the employee to resign.

Under [Arizona Revised Statute §23-1502 Constructive Discharge](#), an employee may be required to wait for 15 calendar days after providing written notice while waiting for the City to respond before the employee may resign. An employee may be entitled to paid or unpaid leave of absence of up to 15 calendar days while waiting for the City to respond about the employee's working condition.

RECRUITMENT, SELECTION, AND HIRING

SECTION 1: OVERVIEW

Overview: The quality of service provided to the public is directly affected by the selection and placement of employees. To ensure placement of the best candidates for every vacant position, primary consideration will be given to the capabilities of candidates to perform duties with a high degree of proficiency.

Applicants are reviewed, evaluated, and selected based on their qualifications and ability to perform the essential functions of the job at the level of quality expected by the City. Applicants are hired, promoted, or transferred under impartial procedures and all steps of the process are subject to the City's Equal Employment Opportunity policy and hiring policies.

The City Manager is responsible for ensuring all departments are staffed at the level necessary to accomplish required tasks and services; therefore, the City Manager may temporarily create positions prior to Council approval of the budgetary process or delay filling existing positions based on the specific needs of the City.

SECTION 2: ELIGIBILITY FOR EMPLOYMENT

Eligibility for Employment: The City holds specific requirements for eligibility of employment as determined necessary by the City or applicable laws.

Legal Authorization to Work: All newly hired employees must present evidence that they are eligible to be employed in the United States. All law enforcement applicants must meet the Arizona Law Enforcement eligibility standards. The Legal Arizona Workers Act requires the City to use the E-Verify Program, a federal government Internet-based system that allows it to electronically verify the employment eligibility of

newly hired employees. The program is used for all new hires. It is only used after hire and after completion of the Form I-9.

Oath: Every City employee will take the loyalty oath or affirmation as prescribed by state law.

Disability: A qualified individual with a disability means a person with a disability who with or without reasonable accommodation can perform the essential functions of the position that the individual holds or desires. All applicants must be of sufficient mental and physical condition to be able to meet the essential functions of the position for which they have applied. Reasonable accommodations for a qualified individual with a disability will be provided unless such accommodation would impose an undue hardship or cause a significant risk to workplace safety.

Applicants must request accommodation and inform the Human Resources Department of the need for an adjustment to the application or examinations due to the disability as detailed in the examination procedures. It is also the responsibility of the applicant who has received a conditional offer of employment to notify the City of any reasonable accommodation necessary to perform the essential functions of the position.

SECTION 3: RECRUITMENT PLAN

The Department Director will meet with Human Resources to develop a recruitment plan. The job description will be reviewed and analyzed to make sure the job description is current and reflects the current requirements of the position.

Recruitment Process: Vacancies will generally be filled through an open-competitive or internal-competitive recruitment process. The Human Resources Director has the authority to approve position appointment upon written request and recommendation from the Department Director.

Job Postings: Regular full-time and part-time position vacancies being filled through an open-competitive or internal competitive process will be posted on the City's job

opportunities website. The job posting will include the title, the nature of the work to be performed, and the minimum qualifications.

Timing: Job posting will normally be open for a minimum of 7 calendar days and contain a closing date for receipt of applications, as determined by the Department Director and the Human Resources Director. The application deadline may be extended as necessary.

Re-Advertisement: If a position vacancy occurs within 6 months of the closing date of a previously advertised position in the same classification, the position will not require re-advertisement. If there are not enough qualified applicants, a position may be re-advertised.

SECTION 4: EMPLOYMENT APPLICATION

Applicant: An applicant is an individual who applies to the City in response to a job posting by completing an official City employment application.

Application: All applications must be submitted online through the City's website, except where a reasonable accommodation is requested. The application must be completed in its entirety. The Human Resources Department will review the application to determine if the applicant meets the minimum qualifications identified on the job posting. The City may reject any application not properly completed or not meeting minimum qualifications. Applications successfully passing the screening process will be forwarded to the hiring manager for further review and evaluation.

Evaluation of Applicants: The hiring manager will utilize screening criteria for the vacancy and review the candidates based on those who possess minimum and preferred skills to narrow the pool of qualified applicants down to the number of candidates to be interviewed and/or assessment tested. The hiring manager will select highly qualified candidates for interview. The hiring manager will notify the Human Resources Department if the pool of applicants is too deficient in number or quality to select an adequate number of candidates for interviews. The hiring manager and the Human Resources Department will then work cooperatively to determine whether to reopen

the job posting, elect to not fill the position, or how to otherwise meet the needs of the Department.

Disqualification: Otherwise qualified applicants will be eliminated from consideration if it is determined that the applicant:

- Does not meet the minimum qualifications for the position.
- Submitted an incomplete application.
- Failed to provide documentation such as proof of education, certification, licensure, etc. as indicated on the job description.
- Made a false statement or omission of material fact on the employment application or other hiring documents.
- Is unable to perform the essential functions of the position, with or without reasonable accommodation.
- Has been convicted of a crime that renders the applicant unqualified for the position to which they have applied.
- Has committed or attempted to commit a fraudulent act or deception at any stage of the recruiting, selection, or hiring process; or
- Failed any job required and/or pre-employment examination.

Application Retention: Applications may be kept active for 6 months and will normally be destroyed at the end of one year. Applicants may be required to submit a new application for each new position vacancy.

SECTION 5: TESTING AND EXAMINATION

Examinations: Applicants may be subject to examinations as required by the job. Examinations will be confined to subjects that test the candidate's ability for the position, are job related, practical, and impartial. The examinations used may include, but are not limited to, written or oral evaluations, physical/mental fitness, and/or training/experience evaluations. In addition, evaluation of past work performance, work samples, interviews, and polygraph examinations may be used in the selection process. Types of examinations, where, and by whom they are conducted must be approved by the Human Resources Director.

Alternate job-related examinations: Alternate job-related examinations will be used, where possible, to accommodate disabled applicants so long as they do not impose an undue burden on the City. Applicants who need accommodation must inform the Human Resources Department as soon as possible to allow the City to acquire or arrange an accommodation.

Veterans: Veterans, disabled persons, disabled veterans, veteran's spouse, or surviving spouse under certain conditions are afforded preference points or codes on examinations and the City will provide these in accordance with all applicable laws. Proof of eligibility for preference must be submitted at the time of application.

Police Department Recruitments: The Police Department is authorized to create a department specific policy/procedure regarding the recruitment process for law enforcement employees that complies with the Arizona Peace Officer Standards and Training (AZPOST). Internal policies and procedures may require the acceptance and maintenance of records beyond those maintained by the Human Resources Department, such as providing AZPOST background investigation files.

SECTION 6: INTERVIEWS

Interviews: Interviews are conducted to gather information specific to the candidate's ability to meet job requirements and suitability for the position. Interviews are normally conducted by an interview panel. The interview panel is selected by the hiring department and confirmed by the Human Resources Director. The panel generally consists of employees who have expertise with the technical elements of the position and have supervisory experience. The panel may include members that are not City employees.

The Department Director and Human Resources Director are responsible for developing job-related interview questions and standards for measuring candidate responses. Questions that relate to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, or genetic

information are prohibited. Inquiries about an applicant's ability to read, write, or speak foreign languages are permitted only when such inquiries are based on job requirements.

SECTION 7: SELECTION

Selection: Following the interview, the interview panel will reach consensus and report the interview results and recommendations to the Department Director and the Human Resources Director.

Following the completion of assessment, tests, and/or interviews, all testing/interview materials must be forwarded to Human Resources. Materials may include screening and selection criteria applied, interview questions and notes, assessment/test scoring sheets, or interview response notes from all interview panel members.

In the event the interview panel, by consensus, determines that none of the interviewed candidates will satisfy the needs of the hiring department, the hiring department and Human Resources Department will then work cooperatively to determine whether to reopen the job posting, elect to not fill the position, or how to otherwise meet the needs of the Department.

The Human Resources Department is responsible for keeping and maintaining records reflecting the disposition of all vacancies. Such records are kept in accordance with the Arizona municipalities' records retention and disposition schedule.

SECTION 8: OFFER PROCESS

Offer Process: Upon the completion of interviews and/or assessment testing, the Department Director notifies the Human Resources Department of the selected candidate.

Offer paperwork is prepared and authorizing signatures are obtained.

The pay rate for the conditional offer is determined in accordance with the City's compensation plan.

The selected candidate is normally notified of the conditional job offer by the Human Resources Department unless otherwise delegated. The candidate is asked to accept or reject the offer within a set number of days.

SECTION 9: NOTIFICATION TO APPLICANTS NOT SELECTED

Once a candidate is selected, external candidates are notified in writing that they were not selected for the position.

The hiring manager notifies internal candidates (verbally or in writing) of the hiring decision.

SECTION 10: APPLICANT EXPENSES

Applicant Expenses: Unless approved by the City Manager, the City does not reimburse any applicant for travel costs in conjunction with the hiring process.

Relocation costs are normally paid in full by the employee.

SECTION 11: BACKGROUND INVESTIGATION

Background Investigation: The City reserves the right to conduct background investigations determined to be appropriate by the Human Resources Director in accordance with all applicable laws. The extent or level of background investigation may vary depending on the type of position. Applicants selected for employment must cooperate in all background investigation processes that may include but are not limited to: criminal records, driving records, education, employment history, references, military service, medical exams, drug testing, or drug and alcohol testing information

from previous employer(s) as required by the [Department of Transportation \(49 CFR Part 40.25\)](#).

City employees may be subject to submit to a background investigation because of a transfer or promotion. All applicants who have been given a conditional offer of employment must consent to a background investigation. Failure to consent to all required portions of a background investigation will disqualify the applicant from further consideration. Applicants for positions within the police department will be required to submit to a background investigation as part of the application process and prior to a conditional offer for employment or transfer.

Background Review: Information obtained during the background investigation process is solely for the purpose of verifying the information provided by the applicant and determining whether the information obtained meets the City's standards for employment. The information gathered during a background investigation will not be shared or given to individuals who do not have a right or need to know such information. In certain positions and circumstances, the Human Resources Director may allow the applicant to begin employment prior to completion of their background investigation.

Negative Findings: When a background investigation reveals information that may disqualify the candidate from employment, the information must be reviewed by the Human Resources Director and Department Director.

Fair Credit Reporting Act (FCRA): The City shall comply with the FCRA. The FCRA is intended to give a candidate for employment the opportunity to correct any factual errors in the candidate's consumer report, as defined in the FCRA, before an adverse employment action is taken. The candidate must be provided notice of any disqualifying information revealed by the consumer report and a reasonable period to correct discrepancies.

Use of Background Results: Listed below are examples of factors that may disqualify a candidate from employment, at the discretion of the Human Resources Director:

Material errors/omissions.

Inconsistent information contained in the application in comparison to the background investigation results (e.g., significant differences in prior employment dates, education obtained, or licenses held, etc.).

Omissions of significant information by the candidate (e.g., failure to disclose being dismissed for cause or loss of certifications required for the position, etc.).

Failure to disclose significant background information (e.g., felony or misdemeanor convictions; unsatisfactory job performance on a prior job; poor attendance or disciplinary problems on a prior job, etc.).

Misrepresentation of material information (e.g., education, certification, or license that the applicant/employee does not have including certification/license that has been inactive or suspended, regardless of whether such a license is required for the position).

SECTION 12: MEDICAL EXAMINATIONS

Medical Examinations: Where appropriate, the City may require an appropriate medical examination as a condition of employment to determine whether a candidate or employee can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary.

Examinations: Examinations will be conducted by a qualified licensed practitioner who will determine in writing whether the candidate or employee can perform the essential functions of the job as identified, and if not, what reasonable accommodation, if any, the applicant would require to perform the essential functions.

Sworn Police will be given a medical examination meeting the standards of the Arizona Peace Officer Standards and Training Board (AZPOST) and psychological examination to determine their emotional stability and psychological fitness for police work.

Certified Fire will be given a medical examination in accordance with National Fire Protection Association (NFPA) and OSHA Respirator Standards 29 CFR 1910.134 pertaining to wearing Self-Contained Breathing Apparatus (SCBA).

Candidates and employees required to possess a Commercial Driver's License must have a physical performed by a medical examiner on the National Registry of Certified Medical Examiners in accordance with [Federal Regulation 49 CFR 391.41 Physical Qualifications for Drivers and CFR 391.](#)

Drug/Alcohol Testing: Candidates for employment in a DOT-covered or safety sensitive position with the City of El Mirage will be required to submit to a drug test as a condition of employment.

EMPLOYMENT

SECTION 1: NEW EMPLOYEE

Employee Orientation: The Human Resources Department meets with newly hired employees, typically at the start of the employee's first day to complete new hire documents, review benefits, policies, and introduce the employee to the City's mission, culture, and values.

On-Boarding: On-boarding helps the employee get ready for their new position, resulting in a quicker learning curve, increased productivity, and heightened job satisfaction and retention.

The Department Director or designee communicates how each employee's job responsibilities and individual contributions relate to the City's mission and goals, discusses performance expectations, reviews department policies, introduces the employee to co-workers, and designates a mentor to help the new employee feel welcome and comfortable.

The On-boarding checklist is completed by the employee's supervisor and returned to Human Resources within 7 days of the new employee's start date.

SECTION 2: PROBATIONARY PERIOD

Probationary Period: Regular full-time and regular part-time employees newly hired or promoted serve a probationary period. This probationary period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. During the probationary period, the employee serves at will and the employee's performance is subject to close review.

Regular full-time and regular part-time employees must satisfactorily complete the probationary period to continue in the position.

Temporary employees, on-call employees, and employees appointed by the City Council are employed at will and do not serve a probationary period.

Timing: The probationary period generally begins on the first day of work and lasts for twelve months. The Department Director may recommend, and the City Manager may approve, extending the probationary period up to an additional six months. The reasons for this extension will be explained to the employee in writing, which will be sent to the Human Resources Director and a copy placed in the employee's personnel file. At the conclusion of this second probationary period, the employee must satisfactorily complete the probationary period extension to continue in the position.

An employee who is promoted or demoted is subject to a six-month probationary period (12-months for sworn Police Department and certified Fire Department employees) unless specifically waived by the City Manager.

For Police Officers required to meet the Arizona Police Officers certification standards, the probationary period begins on the date following receipt of such certification.

Completion of the Probationary Period: At the end of the probationary period, the employee's performance is evaluated. At least 2 weeks prior to the completion of the promotion or demotion probationary period, the supervisor shall provide the employee a written determination of the employee's successful/failed completion of the probationary period.

Transfer/Promotion/Temporary Assignment: Employees in their probationary period shall not be eligible or selected for transfer, promotion, or temporary/interim assignments unless such selection is recommended by the employee's Department Director and approved by the City Manager.

If an employee in their probationary period is transferred or promoted, the employee is required to successfully complete their initial probationary period or a six-month

transfer/promotion probationary period, whichever is greater, unless specifically waived by the City Manager.

Termination during the Probationary Period: During the probationary period, a newly hired or promoted employee may be terminated at any time by the Department Director with the approval of the City Manager, with or without cause and without recourse.

Layoff during the Probationary Period: If a probationary employee is laid off and subsequently recalled to work within a period of twelve months, the employee shall be credited with prior probationary time.

Appeal Rights during the Probationary Period: An employee serving a probationary period is in an at-will status and does not have the right to appeal a disciplinary action or file a grievance during the probationary period.

SECTION 3: POSITION CHANGE

Promotion: A promotion occurs when an employee is selected for a position that is assigned to a higher grade on the Classification and Compensation Structure. An employee promoted will be placed at the minimum of the salary grade applicable to the new position or receive a 7% increase in pay, whichever is greater, not to exceed the maximum of the promoted position's pay grade.

Demotion: An employee reassigned to a position in a lower classification for reasons, such as disciplinary, voluntary, in lieu of layoff, or department reorganization, excluding position reclassification, will receive a decrease in pay commensurate with the promotional rate of increase, but not less than the minimum of the new position's pay grade and not greater than the maximum of the new position's pay grade.

Lateral Transfer: A transfer is a change to another position in the City at the same salary grade as the position currently occupied by the employee.

The approval of a request for a lateral transfer shall be based on the needs of the City and the departments, not the desire of the requesting employee. The employee's rate of pay in the new position will be the same as the employee's rate of pay in the old position, unless otherwise approved by the City Manager.

Temporary Assignment (Interim Position): An employee assigned to perform the duties and assume the responsibilities of a higher classification, for a period of two or more consecutive and full work weeks, shall be designated as having an Interim position. Employees in an interim position shall receive a pay increase of 5% or the minimum of the salary grade for the higher position, whichever is greater, not to exceed the maximum of the temporary position's salary grade. Compensation begins the first day of the first full workweek following the interim assignment start date. When the interim assignment falls on the first day of a workweek, the compensation is effective on that date. A temporary assignment is limited to a period of six months. The assignment may be extended at the discretion of the City Manager. Temporary assignment pay shall be removed as of the first day of the first full workweek the employee is no longer serving in the special assignment capacity.

Reclassification: Reclassification is the movement of a position from one grade to another on the Classification and Compensation Structure. The position could move to a higher or lower pay grade based upon internal and external position equity.

When the duties of a position are substantially changed, the Department Director shall submit a written recommendation to the Human Resources Director including justification for the reclassification and the changes to the position responsibilities or requirements, such as experience, education, or certification. The request will be reviewed by the Human Resources Director. A job audit, which is an analysis of the critical elements of a position against a predetermined formula for measuring the relative worth of a position and placement in the City's Classification and Compensation Structure, will be undertaken. If the Human Resources Director determines that the request is justified, the request will be provided to the City Manager for approval.

When an employee's position is reclassified or assigned to a higher pay grade, the employee's pay will be placed at the minimum pay in the new grade or will receive a 7%

increase, whichever is greater, not to exceed the maximum of the position's pay grade. A reclassification or assignment to higher pay grade that is not requested as part of the budget process must be approved by the City Manager.

When an employee's position is reclassified or assigned to a lower pay grade, the employee's pay will not be decreased even if their pay is at or above the maximum of the new grade. Employees whose pay is at or above the maximum of the new grade will be frozen and the employee will not receive further pay increases until such time as the maximum pay of the grade increases to include the employee's rate of pay.

Special Assignment: An employee may be temporarily assigned to a position outside of the Classification and Compensation Structure with the recommendation of the Department Director and the City Manager. An employee assigned to perform the duties of a special assignment, for a period of two or more consecutive and full work weeks, shall receive a pay increase of 5%. Compensation begins the first day of the first full workweek following the special assignment start date. When the interim assignment falls on the first day of a workweek, the compensation is effective on that date. A special assignment is limited to a period of six months. The assignment may be extended at the discretion of the City Manager. Special assignment pay will be removed as of the first day of the first full workweek after the employee is no longer serving in the special assignment capacity.

Red Circling: Red circling is when an employee's pay is frozen and not eligible for pay increases. Red circling occurs when the employee's pay is at or higher than the pay grade maximum. Employees who are red circled will not receive any pay increases until the maximum pay of the grade increases to include the employee's rate of pay. The use of red circling will be evaluated on an annual basis based on the status of the compensation plan with approval of the City Manager.

SECTION 4: PERFORMANCE MANAGEMENT

The City's performance management process is used to establish employee performance expectations through goal setting and provide written feedback on employee performance.

Performance Goals: Performance goals are tasks or projects an employee is expected to achieve within a designated period. Performance goals are established either by the supervisor and assigned to the employee or established by the employee with input and approval of the supervisor. Performance goals should support the City's strategic goals, mission, vision, and values. Performance goals are documented in the City's designated evaluation program.

Performance Evaluation: A performance evaluation is utilized to measure and provide feedback on performance, build understanding, accountability, and employee engagement.

The performance of employees is evaluated upon the completion of the probationary period and at least once annually by February 15, for all regular full-time and part-time employees, using the City's designated evaluation software.

The performance evaluation is completed by each employee's immediate supervisor and reviewed by the Department Director or designee for completeness, accuracy, and objectivity.

The evaluation is submitted and routed for authorizing signatures. Once obtained, the evaluation is reviewed with the employee in a private meeting and documented using the performance evaluation system.

Performance Improvement: When less formal methods of addressing performance concerns are unsuccessful, a Performance Improvement Plan may be initiated.

A Performance Improvement Plan (PIP) is a tool to provide an employee with performance deficiencies the opportunity to succeed when less formal methods of addressing performance concerns are unsuccessful.

Supervisors considering implementing a PIP must consult with the Human Resources Department.

SECTION 5: EMPLOYEE RECOGNITION AND REWARD

Employee Recognition and Reward is subject to the [Recognition and Reward Policy](#).

The City values its employees and recognizes employees for a job well done, performance that results in an important accomplishment, the completion of significant events, and for their years of dedicated service to the City.

- On-the-Spot award recognizes employees for a job well done.
- Above and Beyond award recognizes employees for an additional level of performance.
- Outstanding Performance award recognizes individual employees and/or work teams who demonstrate creativity and innovation, and/or for the completion of a significant event.

Service awards are presented to employees celebrating years of service with the City of El Mirage, beginning in the third and fifth year, and every five years thereafter.

Retirement recognition commemorates the time when an employee retires.

EMPLOYEE TRAINING AND DEVELOPMENT

SECTION 1: TRAINING AND DEVELOPMENT

Training: The City is committed to providing job-related training and professional development opportunities for all employees.

The primary objective of the City's Employee Training and Development program is to improve the abilities of City staff, to meet City and department needs, and to prepare employees for assignments or positions of greater responsibility.

Roles and Responsibilities

Human Resources Director: The Human Resources Director has the responsibility of identifying and coordinating City-wide training and development programs.

Department Director: The Department Director has the responsibility of identifying and coordinating job skill training programs for individual employees.

Employee: Employees are responsible for assisting the Supervisor in the identification of training which they feel will improve their job performance and prepare them for their assignment or positions or assignments with greater responsibility.

Training and Employee Development: Training includes all activities designed to orient, update, and develop job-related knowledge and skills of City employees for present and potential positions in the City. It also includes all training activities designed to help implement City programs and to introduce and maintain City administrative systems.

Development Training: Training includes all activities designed to strengthen the relationship between employees and supervisors, build trust and a culture of listening, and develop employee potential in ways that contribute to the mission of the City or

correct performance deficiencies. Developmental training usually attempts to mesh the career goals of the individual with the goals of the City.

Educational Training: In the context of this policy, educational training refers to college credit courses involving tuition, books, and required fees. Educational training focuses largely on the goals of the individual with a direct benefit to the City.

Job-Related Training: This training refers primarily to skills development which an employee uses in his or her assigned position. These training experiences may focus on general skills which are common to many different positions such as time management and report writing, or to specific skills sets such as accounting and wastewater treatment.

On-The-Job Training: This training refers to training an employee receives to perform the duties, responsibilities, and tasks unique to the position to which the employee is assigned. It would also include cross-training among employees within a department.

Policy, Procedural, Program Training: While training typically focuses on skills development, policy, procedure, and program training is the dissemination of information. The policy, procedural, and program training informs staff of changes in programs, policies, and procedures.

Cost of Training: Costs for training include registration fees for conferences, workshops, and the fees charged for contracting consultants and instructors. These costs are supported by the City, provided the training is approved by the City Manager. Lodging, meals, and travel will normally be charged to the respective budgeted accounts, refer to the [Travel Wage Administrative Policy](#).

Tuition Reimbursement: The City agrees to assist employees in their pursuit of additional training and higher education in courses related to their employment responsibilities and promotion opportunities, including core courses in a degree program, but excluding non-job-related electives not approved as a core course in the degree program.

In-person and online courses must be from a fully accredited college, university, or approved technical/trade/business school.

Employees will not be eligible for tuition reimbursement during their initial probationary period.

Each employee who wishes to be reimbursed must receive written commitment from the Department Director, Human Resources, and the City Manager prior to enrolling in the course.

An employee requesting reimbursement under the tuition reimbursement policy must submit a written request for reimbursement to the Department Director on forms approved by the City. The request must include proof that the coursework is a core course in a degree program or a job-related elective. The Department Director reviews the request and submits a recommendation to the City Manager for a final decision. Prior to submitting a recommendation to the City Manager, the Department Director must certify the availability of funds within the department budget. The City Manager may reject any request that does not meet the requirements described in this policy or that the City Manager determines would cause a financial hardship for the City.

Reimbursement will be at 100% of the tuition charged per credit hour up to a maximum of \$4,000 per calendar year. The maximum reimbursement amount may be modified through the annual budget process with the recommendation of the City Manager and approval of the budget by Council. For undergraduate classes, reimbursement shall be paid at the end of each semester upon presentation of proof of each course passed with a "C" grade or higher, or its equivalent where letter grades are not used. For graduate classes, reimbursement shall be paid at the end of each semester upon presentation of proof of each course passed with a "B" grade or higher, and presentation of receipt for tuition costs.

Employees shall be eligible for reimbursement of required expenses such as administration fees, lab fees, books, recreation fees, etc.

The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source. When applying for tuition reimbursement, the employee shall notify the Human Resource Department of any financial assistance received from an outside source.

The courses must be taken on an employee's personal time and be personally paid for by the employee.

Any employee who resigns prior to completion of a course or is discharged will automatically terminate their eligibility for reimbursement.

SECTION 2: SPECIAL LICENSES AND MEMBERSHIP FEES

The City will pay directly or reimburse the current annual dues or fees to each employee who is required by ordinance or State or Federal law to be a member of a professional organization or who must maintain a current certification or license as a condition of employment. Payment of the dues or fees will be made upon approval by the employee's Department Director.

Employees who belong to professional organizations that are not required as a condition of employment but that promote individual professional growth, competence, and effectiveness in functioning as City employees are encouraged to attend local, state, and national meetings subject to approval by the Department Director and budgetary limitations. Payment of such dues or fees will be made upon approval by the employee's Department Director.

EMPLOYMENT RECORDS

SECTION 1: PERSONNEL FILE

Personnel File: Employee records are maintained in the Human Resources Department. The employee's personnel file contains documentation regarding all aspects of the employee's tenure with the City, such as employment application, job description, employment history records, performance evaluations, disciplinary action notices and other materials deemed relevant to an individual's employment history. As required by law, confidential records pertaining to medical information and internal investigations are maintained in a separate privacy file.

Employees are to report changes to phone number, address, or emergency contact(s) through the City's employee management system.

Employees are to contact the Human Resources Department by phone, e-mail, or in person to change marital status, name, number of dependents, or provide educational/certification achievements.

Access to Employee File: All personnel files are the property of the City. Human Resources employees will have access to personnel files for the purpose of carrying out necessary employee transactions, and management employees will have access to personnel files for those employees in their chain of command. Employees can review the contents of their personnel file by making an appointment with Human Resources and may request copies of any of their personnel documents. Any management employee can view certain records in an employee's personnel file with legitimate business necessity by making an appointment with Human Resources. All personnel file inspections take place in the Human Resources Department in the presence of a Human Resources representative. Other requests for personnel file records or copies of documents will be disclosed only as authorized by the employee, as required by law, subpoena, judicial order or public records request.

An employee may submit a statement/rebuttal for entry to their personnel file, in response or related to material contained in the employee's personnel file. The Human Resources Director must approve all materials submitted for inclusion in an employee's personnel file.

A Department Director may submit material to be included in an employee's personnel file to the Human Resources Director for review.

Public Records Requests: All requests (other than those described above) to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk's Office.

Record Retention: Personnel records shall be retained in accordance with state law. During the retention period, nothing will be removed from the personnel file.

Employment Verifications: All requests to verify employment information of a current or former City employee must be directed to the Human Resources Department. Employment verification includes dates of employment, job title held, and salary verification. No other information will be provided without signed consent from the current or former employee authorizing the City to release additional information to the specifically named organization.

Exceptions to the above include compliance with AZPOST rules, Arizona Revised Statutes, and information requests received by the City from federal, state, or local authorities, including officials and authorized representatives of the courts, as well as law enforcement and other government agencies. The City shall honor all such requests and provide the information sought in the form requested by the agency or official.

CLASSIFICATION

SECTION 1: CLASSIFIED SERVICE

Classified Employees: An employee who works in a full-time or part-time position, who has completed his/her probationary period, and whose employment may only be terminated for cause, layoff, or the elimination of position. Classified employees are governed by all sections of this manual.

Unclassified Employee: An employee who is at will and employed at the convenience of the City and may be demoted or terminated at any time, with or without cause, and without appeal rights. Unclassified employees are positions appointed by the City Council, employees in their probationary period, and/or temporary or on-call employees.

Nothing in these rules is intended to create an employment contract, implied or explicit, between the City and any employee. However, the City Manager may choose to enter into individual employment agreements with any, or all, persons appointed by the City Manager and then only by a writing signed by the City Manager.

SECTION 2: CLASSIFICATION AND COMPENSATION STRUCTURE

Classification and Compensation Structure: The Human Resources Director is responsible for the preparation, maintenance, and administration of the Classification and Compensation Structure. This includes making recommendations to the City Manager regarding the basic philosophy and objectives to remain market competitive, ensuring compliance with all relevant laws and regulations and as duties, responsibilities, and employment conditions change.

The classification structure creates job classification hierarchies that detail distinctions between jobs and clearly defines career paths and requirements for advancement

within respective job families. The salary structure is based on the classification plan, market data, and internal position equity. Each pay grade within the Classification and Compensation Structure includes a minimum and maximum pay rate.

Plan Amendments: The Classification and Compensation Structure may be revised as position duties, responsibilities, and employment conditions change. The Plan may also be amended when a new position is created. Plan amendments must be approved by the City Manager and ratified by the City Council through ordinance, resolution, motion, or adoption of the City's annual budget.

The plan must be flexible enough to ensure the City is able to recruit and retain highly qualified employees while providing the compensation structure necessary to effectively manage and provide equitability in the workforce. The plans will be objective and non-discriminatory in theory, application, and practice.

SECTION 3: APPLICATION OF RATES

Employees will not be placed at a pay rate lower than the federal or state minimum wage.

Full-time and part-time employees will be paid in accordance with their position's pay grade under the compensation plan. New employees usually start at the minimum of the grade. Higher starting salaries are dependent upon qualifications.

SECTION 4: JOB DESCRIPTIONS

Job Descriptions: Each position will have a written job description. The Human Resources Department is responsible for maintaining all job descriptions. Management employees are responsible to ensure that job descriptions in their respective areas of responsibility are accurate and current. Management must review job descriptions prior to opening a position for recruitment and should review them on a periodic basis.

The job description is intended to describe the major functions of a position and not intended to provide a complete listing of all possible tasks and responsibilities. It should provide a general picture of the essential characteristics of the job with sufficient description to properly identify the job to a pay grade.

The job description includes the title, position summary, essential functions, required experience, education, licensure or certifications, knowledge, skills, and any other pertinent information to the job. Positions are identified as either exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA); thus, employees are paid in accordance with the position's FLSA status.

SECTION 5: POSITIONS

Establishment of New Positions: Whenever a new position (job classification) is proposed, the Department Director forwards to the Human Resources Director a draft job description and any applicable information on the designated job evaluation form for placement on the Classification and Compensation Structure. After a study of the job duties, responsibilities and qualification requirements, the Human Resources Director makes a recommendation to the City Manager.

Elimination of Positions: The City Manager shall determine when and for what reasons it is necessary to reduce the number of City employees, which departments, classifications, and positions will be affected, and the number of employees to be reduced. Elimination of positions will follow the [Reduction in Force](#) policy.

Reclassification of Positions: When the duties or responsibilities of a position have changed significantly, the City Manager will ensure that the position is reclassified accordingly. Refer to [Employment Changes](#) policy, Reclassification section.

SECTION 6: EMPLOYMENT CLASSIFICATIONS

Positions within the City are generally designated as full-time. In certain functions and for some seasons, work schedules and City needs may require the services of other than full-time employees. The following are defined here for clarification.

Regular: An employee working in a position that has no defined ending date. A regular employee may be full-time or part-time, classified, or unclassified.

Temporary: An employee hired for a position that has a defined ending date or is anticipated to last no longer than one year. The position may be scheduled for any number of hours per week, not normally to exceed 40 hours.

Reserve/Volunteer: A person who has volunteered to provide services to the City for no pay at irregular intervals in one or more of the City departments. Reserve/Volunteer Police Officers and Firefighters are included in this category.

Full-time: An employee hired in a position for which the normal work schedule is 30 hours or more per week.

Part-Time: An employee hired in a position for which the normal work schedule is fewer than 30 hours per week.

COMPENSATION

SECTION 1: GENERALLY

Compensation is determined in accordance with the Classification and Compensation Structure approved by the City Manager and ratified by the City Council through the annual budgetary process. The Human Resources Department maintains and administers the compensation plan.

SECTION 2: PAY PERIODS AND PAY DATES

Pay Periods: There are generally twenty-six pay periods per year, each consisting of two weeks. Each pay period begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the second succeeding Saturday. Alternate pay periods may be approved by the City Manager.

Work Week: The workweek for employees shall be 7 calendar days beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on Saturday. Alternate work weeks may be established in compliance with the FLSA by the City Manager. For additional information, refer to the [Hours of Work Administrative Policy](#).

Pay Dates: City employees are paid biweekly. If a pay date falls on a holiday, employees will be paid on the last working day preceding the normal pay date.

Wages will be paid within seven days of the end of the pay period. However, national emergency or other extenuating circumstances may delay the normal pay day.

Pay Advances: The City does not grant requests for pay in advance of regular paychecks.

SECTION 3: PAYROLL DEDUCTIONS

Mandatory Deductions: Deductions required by law are withheld from the employee paycheck each pay period. These include federal income tax, state income tax, Social Security and Medicare (FICA), any legal wage garnishments or assignments, and any other deductions required by law or contract.

Voluntary Deductions: Voluntary deductions require an employee's written authorization. Examples include but are not limited to direct deposit, deferred compensation, or dependent health insurance coverage.

SECTION 4: PAY ADJUSTMENTS

Cost of Living Adjustment (COLA): Salary grades in the Classification and Compensation Structure are adjusted, to reflect cost of living increases based on the Phoenix/Mesa Consumer price Index (CPI), subject to budgetary approval by City Council.

Administrative Adjustment: The City Manager has the authority to provide an administrative adjustment to an employee's salary or rate of pay when such adjustment is determined by the City Manager to be in the best interest of the City and the adjustment does not result in the employee's salary or rate of pay being above the maximum approved for the employee's position.

Merit Pay: The purpose of merit pay is to reward individual employee effort and contribution. Budgetary funding for merit pay is established by the City Manager and authorized by the City Council.

Merit pay is subject to the [Merit Pay Policy](#).

SECTION 5: STIPEND PAYS

The City provides additional compensation to eligible employees for specified purposes. All such payments are referred to as stipend pay. All stipend pays, except as otherwise noted, are included in the regular rate of pay for non-exempt employees for purposes of overtime calculation.

Bilingual Pay: A bilingual pay incentive is available to all City employees serving in a position which requires interaction with the public in a language other than English and/or who are called upon to interact with the public in a language other than English on a regular basis.

Each Department Director is responsible for determining the need for bilingual services by department employees. Competency must be demonstrated through proficiency testing coordinated through the Human Resources Department. Employees who demonstrate competency in speaking a foreign language are eligible for bilingual pay.

Amount: Bilingual pay for eligible employees will be paid at \$0.75 per hour. Exempt employees will receive an additional \$60.00 per pay period.

At no time will an employee be able to obtain more than one bilingual pay stipend regardless of the number of languages, including sign language, that the employee becomes proficient in.

Standby Pay: Standby duty is a specific period during nonwork hours when a non-exempt employee remains prepared to respond within a specified response time to a call for service.

Department directors have the primary responsibility for identifying the job functions in their departments which require standby duty under this policy. All assignments of standby duty must be in conformance with a department operation order approved by the City Manager.

Temporary Assignment (Interim Position): Refer to Employment policy, [Position Change](#) section.

Special Assignment: Refer to Employment policy, [Position Change](#) section.

SECTION 6: CALL-BACK

Call-Back: Emergency call-back is defined as an unscheduled request by a Department Director or designee for an employee to return to work. This request is made after the employee has completed his or her regular shift and before the beginning of the next regularly scheduled shift.

The employee is paid for the time worked or a minimum of 2-hours, whichever is greater. Department Directors establish reasonable maximum response times – ranging between 30 and 60 minutes for their departments.

Time worked when called back is calculated at the employee's regular rate of pay. If an employee is called back to work, he or she is not paid for travel time. Overtime compensation is applicable only when total hours worked exceed 40 hours in a workweek.

Employees must adhere to all the City's policies, including the [Drug-Free Workplace Administrative Policy](#). Any variance from such policies may result in disciplinary action, up to and including termination. Employees who are called back to work must inform their supervisor or Department Director, at the time of request, if they are unable to perform their duties.

SECTION 7: HOLIDAY COMPENSATION

Work on Holiday: Non-exempt employees who are required to work on a City observed holiday receive holiday compensation, in addition to their pay for the hours worked.

Holiday during Vacation, Sick, or other Paid Leave: If a City observed holiday occurs during an employee's paid absence, holiday compensation is provided instead of the paid leave time that would otherwise be applied.

SECTION 8: OVERTIME ELIGIBILITY AND EXEMPTION

Positions are either classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA), refer to the [FLSA and Recording Hours](#) policy.

Exempt: Positions classified as exempt are typically executive, professional and/or administrative which primarily perform work that is not subject to overtime provisions of the FLSA. Exempt employees are paid an agreed amount for the position, regardless of the amount of time or effort required to complete the work, and actual hours worked are not recorded on the time record. They receive a salary which is intended to compensate the exempt employee for all hours they may work for the City. Salary is a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed except as allowed by FLSA.

Non-Exempt: Positions classified as non-exempt are those that do not fit an exemption from overtime. Non-exempt employees are paid for all time worked and overtime, and record all hours worked on the time record.

SECTION 9: OVERTIME AND COMPENSATORY TIME

When a non-exempt employee works more than 40 hours in a work week (excluding MOU Fire employees) they are compensated for such excess time as either:

Overtime Pay: Pay for service at one and one-half (1 ½) times the regular rate of pay.

Compensatory Time Off (CTO): Time off at one and one-half (1 ½) hours for each hour worked in lieu of cash payment.

Employees are not allowed to work overtime unless authorized to do so by their supervisor. Failure to receive prior authorization may result in disciplinary action up to and including termination of employment; however, employees will be paid overtime regardless of approval in accordance with the FLSA.

Overtime must be allocated as evenly as possible among all employees qualified to perform the work and may be mandatory in certain circumstances. It is the responsibility of management employees to ensure that overtime is utilized equitably and only when necessary. Overtime must be managed to reduce the overall cost to the City.

If an employee offered compensatory time for overtime work does not agree to compensatory time, the employee may decline to work overtime unless the City offers the employee pay for overtime work. If the employee chooses to work overtime for which only compensatory time has been offered, the City understands that to be the employee's acceptance of the form of compensation. There will be no retaliation against employees who decline to work overtime because only compensatory time is offered. An employee offered paid overtime may not decline to work the overtime hours.

The Department Director may also choose to use flexible scheduling to avoid overtime. If an employee is scheduled to work beyond the normal workday, the Department Director may reduce the number of hours required later in this same workweek. This flexible scheduling must take place within the same workweek or overtime hours shall be accrued.

Hours worked for purposes of calculating overtime pay shall be defined as time on the job performing a work assignment. Vacation, sick leave, holiday, and other leave shall not be considered time worked and shall be deducted from hours worked during overtime calculation for each workweek.

Hours worked for purposes of calculating overtime pay, for Fire MOU employees, shall be defined as time on the job performing a work assignment. Accrued vacation leave shall be counted as hours worked for purposes of calculating FLSA overtime when a Member missed a regularly scheduled shift(s) due to vacation, illness or injury, but only

in an amount needed to bring a Member's total hours worked for a work period to one hundred 144 hours. Sick leave, holiday and other leave shall not be considered time worked and shall be deducted from hours worked during overtime calculation for the 18-day pay cycle.

Effective January 1, 2021, an employee may only use or cash out CTO during the calendar year in which it is earned.

All accrued and unused CTO balances will be cashed out on the second paycheck in December so that the employee's CTO account is reduced to a zero balance. Employees may use or cash out CTO accrued at any time during the calendar year, prior to the second paycheck in December. Use of compensatory time as compensatory leave must be pre-approved by the immediate supervisor and can be denied for business and operating needs.

Unused CTO hours may not be carried over to a subsequent calendar year.

CTO cannot be elected for overtime worked after the second paycheck in December until the start of the new year.

Employees will not have the option to take CTO instead of cash when the Department is reimbursed by another governmental agency for overtime worked by the employee.

Upon termination of employment or at any other time at the City's discretion, a non-exempt employee will be paid one and one-half times the employee's current regular salary rate for unused compensatory time that has been earned through the last day of work.

The overtime provisions of this policy shall not apply to employees whose positions have been designated as exempt employees. However, the City Manager may authorize overtime pay or compensatory time for such employees in emergency situations.

Exempt Employees: Employees who are characterized by the City as exempt from the overtime provisions of federal law are paid a salary that is intended to fully compensate

them for all hours worked each week, however few or many those hours may be. The salary consists of a predetermined amount constituting the exempt employee's compensation. That amount is not subject to reduction because of variations in the quality or quantity of the employee's work. Generally, an exempt employee's salary is not subject to deductions. Exceptions to the general rule will apply only when they are expressly authorized under applicable state and federal laws. This may occur, for example, when an employee has exhausted all accrued personal paid time off benefits and misses additional full days of work for personal reasons.

Report Pay Discrepancies: The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of his or her supervisor so that corrections can be made as quickly as possible.

The City prohibits any improper deductions from the salaries of exempt employees. If an exempt employee believes that they are not being paid on a salary basis and/or that improper deductions have been taken from their pay, the employee should contact management in writing. Employees should review their paycheck stub carefully for accuracy each payday. Employees may make complaints without fear of retaliation.

A prompt investigation of the employee's claims will be conducted, and if it is determined that improper deductions were made or other amounts are due to an employee, the employee will be reimbursed for the deduction/amounts immediately.

SECTION 10: UNIFORM REIMBURSEMENT

Employees in specified employment positions may be entitled to reimbursement for the cost of uniforms and related equipment required to be worn while on duty. The amounts of the reimbursement and the method of payment is determined by the Department Director. Clothing reimbursement is subject to discontinuation at any time as required by budgetary constraints, subject to applicable laws.

SECTION 11: VACATION LEAVE PAYOUT

Eligible employees are permitted on a voluntary basis to exchange up to 80 hours of accrued vacation for compensation at their regular rate of pay. A minimum of 40 hours must remain in the employee's vacation leave balance. Employees in the first twelve months of employment are ineligible to receive vacation leave payout.

To request a vacation leave payout, an employee must submit the designated election form to the Human Resources Department before the end of December in the year prior to the year the payout will be paid. The written election is irrevocable. Vacation leave payout is paid the second pay date in June.

Example: An eligible employee would like to request 80 hours of vacation leave payout in calendar year 2022. He/she must submit the vacation leave payout election form to the Human Resources Department before the end of December 2021. The employee will receive his/her vacation leave payout on the second pay date in June 2022.

The City Manager may deny a vacation leave payout in the City Manager's sole discretion.

SECTION 12: COMPENSATION ERRORS / CORRECTIONS

Generally: The City will make every effort to ensure that employees are paid correctly and that benefits are administered accurately. In cases of improper pay or administration of benefits such errors are promptly corrected.

Compensation Error: A compensation error is the over/under payment of wages or benefits. Such errors may include data entry errors, calculation errors and/or equipment/software errors. All compensation errors will be retroactively corrected for a period of no more than 3 years from the date the error was discovered. Errors in contributions to a State retirement system will be corrected for the entire period of membership.

Notice: Employees will be given notice of a compensation error. Such notice will include how and when the error will be corrected, period when the error occurred, and the amount to be paid by or to the employee.

Repayment: Employees required to repay money to the City because of a compensation error may make repayment arrangements through the Finance Department over a period not to exceed the period during which the error occurred. Additional limitations may be implemented if the proposed repayment crosses calendar years (December 31st).

HOURS OF WORK

SECTION 1: GENERAL

Hours of Work: is subject to the [Hours of Work Administrative Policy](#).

Definition of Employ: By statutory definition the term employ includes to suffer or permit to work.

Employees Suffered or Permitted to work: Work not requested but suffered or permitted to be performed is work time that must be paid for by the employer. For example, an employee may voluntarily continue to work at the end of the shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable even if the employee did not receive prior authorization.

SECTION 2: WORK SCHEDULES

The City Manager establishes days and hours during which the City and its departments are open to the public and/or provide services.

Department Directors are responsible for establishing the work schedule for each employee in their department. No established schedule will be construed as a guarantee of work hours or as a restriction on the City's right to change the schedule. Except in emergency situations or extenuating circumstances, Department Directors will provide employees with reasonable advanced notice of schedule changes. Department Directors are permitted to alter schedules for department operations and/or work with employees to create alternative/flexible schedules.

SECTION 3: HOURS OF WORK

Hours of Work: An employee is expected to work the days and hours necessary to perform all assigned responsibilities and tasks to provide continuity in access and service to the citizens of El Mirage and to facilitate teamwork and supervision.

Work Week and Work Hours: The standard work week is generally 40 hours. The work week begins for most employees at 12:00 AM Sunday and ends at 11:59 PM the following Saturday. The work schedule for most employees is 10 hours a day, 4 days a week, with one unpaid lunch period of at least 30 minutes each day.

Fire employees assigned to a shift schedule have an 18-day pay cycle. Shift assignments are determined by the Fire Chief. Employees' work hours consist of regularly scheduled shifts of 48 hours on duty followed by 96 hours off duty (48/96 schedule).

Flexible Work Schedules: Department Directors may consider alternate work options on a case-by-case basis by evaluating service level impact, employee performance, responsibilities, and work style.

SECTION 4: FAIR LABOR STANDARDS ACT (FLSA) - RECORDING HOURS

The Fair Labor Standards Act (FLSA) sets the minimum wage, overtime pay, and record keeping standards for employees. For purposes of determining eligibility for overtime compensation, the FLSA contains rules which define employees as either non-exempt or exempt. Non-exempt employees are entitled to overtime, while exempt employees are not.

The Human Resources Director determines the FLSA exemption status of all City job classifications. The exempt status for each position is listed on the Job description.

Exempt Employees: Exempt employees do not record actual hours worked on time records. If leave is taken, exempt employees must record this time on their timecard.

Non-Exempt Employees: Non-exempt employees must record all hours worked accurately on their time record and all ins and outs to include arrival, departure, lunch, and any other time away from work during the workday. If leave is requested, the non-exempt employee submits a leave request in the City's designated timekeeping system and records time on their timesheet, in accordance with section: Combination of Regular Hours Worked and Leave Taken. Time worked is tracked in 15-minute increments. Employee time from 1 to 7 minutes may be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of time worked.

Non-exempt employees are not allowed to work off the clock. Off-the-clock means work an employee performs work but fails to report the hours worked on the time record. Upon a report or discovering a non-exempt employee is due time that was worked off the clock, the employee will be paid time owed in accordance with FLSA, but the employee may be subject to disciplinary action.

Management employees must review and approve their employees' timesheets each pay period. Timecard corrections shall be made by the employee or by the City if the employee is unavailable to make the correction. Employees will be notified of a correction made and must acknowledge the change accurately reflects the hours worked. Employees should carefully and accurately record their time to minimize timesheet changes. Should a timesheet need correction after payroll has been processed, the Finance Department must be notified immediately.

Combination of Regular Hours Worked and Leave Taken: Actual hours worked should always be recorded. When leave is recorded, the combination of regular hours worked, and leave taken cannot exceed 40 hours or the number of hours in an employee's regularly scheduled workweek.

Fire employees assigned to a shift schedule (48/96 schedule): Actual hours worked should always be recorded. When actual hours worked equal or exceed 144, no leave can be recorded on the time record. The combination of regular hours worked, and leave taken cannot exceed 144 hours in the 18-day cycle.

Examples: 1) An employee assigned to work 40 hours in the workweek records 10 hours of leave and 40 hours worked, the leave hours on the timecard will not be processed for compensation or deducted from the employee's leave bank, the employee will be compensated for the 40 hours worked. 2) An employee assigned to work 40 hours in the workweek records 10 hours of leave and 35 hours worked. 5 hours of leave will be processed for compensation and deducted from the employee's leave bank and the employee will be compensated for 35 hours worked. 3) An employee assigned to work 40 hours in the workweek records 10 hours of leave and 30 hours worked, the 10 hours of leave on the timecard will be processed for compensation and deducted from the employee's leave bank and the employee will be compensated for 30 hours worked.

Fire shift schedule examples: 1) An employee assigned to work 144 hours in 18-day cycle records 24 hours of leave and 144 hours worked, the leave hours on the timecard will not be processed for compensation or deducted from the employee's leave bank, the employee will be compensated for the 144 hours worked. 2) An employee assigned to work 144 hours in 18-day cycle records 24 hours of leave and 136 hours worked. 8 hours of leave will be processed for compensation and deducted from the employee's leave bank and the employee will be compensated for 136 hours worked. In accordance with City policy and the Fire MOU, 8 of the 144 hours paid may be eligible for overtime. 3) An employee assigned to work 144 hours in 18-day cycle records 24 hours of leave and 120 hours worked, the 24 hours of leave on the timecard will be processed for compensation and deducted from the employee's leave bank and the employee will be compensated for 120 hours worked. In accordance with the City policy and the Fire MOU, 8 of the 144 hours paid may be eligible for overtime.

Timecards must be completed accurately and timely.

Leave requests will be accepted in the following order: Bereavement, Jury, Military, Workers Comp, Emergency Leave, Sick, Recognition Leave, Service Leave/Executive Leave, Holiday Closure, Comp Time, and Vacation.

Work Start and Work End: The Department Director is responsible for informing each employee of the expected workday or shift start and end times.

It is the responsibility of the employee to arrive and report to work at the beginning of the scheduled workday or shift. Arrival any time after the beginning of the scheduled workday or shift is considered late or tardy for performance purposes.

Non-exempt employees should not commence work more than 7 minutes before their scheduled starting time or continue working more than 7 minutes after their scheduled ending time without the advanced approval of the employee's supervisor, except in emergency situations where advance approval cannot be obtained. Notwithstanding this section, employees must accurately report time worked pursuant to this policy. Failure to do so may result in disciplinary action.

SECTION 5: MEAL AND REST PERIOD

Meal Period: Employees are generally scheduled for unpaid meal periods. Non-exempt employees must reflect their unpaid meal period on the time record and must be relieved of all duties except for those public safety employees whose meal period is paid. Non-exempt, nonpublic safety employees should take a meal period of at least thirty minutes at or near the middle of their shift. Absent exigent circumstances, the meal period can be skipped with prior approval by the supervisor. If a non-exempt employee is not given a minimum of thirty minutes of uninterrupted time for their meal period, they must be paid for the time.

Rest Period: The City recognizes the need for breaks during the workday; however, there may be times where breaks are not able to be given. Schedules permitting, full-time employees may take one fifteen-minute break in the morning and one fifteen-minute break in the afternoon. Breaks are not allowed to be taken at the beginning or end of the shift, added to the meal period, accumulated for other purposes, or as a means of leaving the job early. Employees will be paid for breaks and breaks are not recorded on the timecard. Break time may be determined by the supervisor and may not be allowed should it be necessary to forgo a break.

De Minimis Time: Operational demands sometimes require that employees be contacted while off-duty. Insubstantial or insignificant periods of time outside scheduled

working hours may be disregarded in recording time worked for non-exempt employees. This rule applies only to those times where the work involved is limited to a few seconds or minutes that cannot as a practical administrative matter be precisely recorded for payroll purposes. Such time is considered de minimus, i.e., minor, or trivial. If an employee works for more than 5 minutes, it must be reported as time worked. Employees requested to perform work outside scheduled working hours beyond de minimus amounts shall, except in emergency circumstances, receive advance approval of a supervisor to perform such work.

ATTENDANCE

SECTION 1: ATTENDANCE

The City expects good attendance habits including dependability and punctuality. All employees should regard coming to work on time and working their shift as scheduled as an integral part of their job performance. Good attendance habits include the following:

- Arriving for work no later than the start of the shift.
- Remaining at the workstation except during authorized breaks or a meal period or as the needs of the job require the employee to be elsewhere.
- Taking only the time normally allowed for breaks.
- Following assigned work schedules unless prior arrangements with the employee's supervisor has been made.
- Remaining at work during the entire shift, unless excused or approved by the employee's supervisor.
- Proper notification to the supervisor if the employee will be absent or tardy unless a verifiable emergency makes it impossible for them to do so.
- For non-exempt employees, arriving and leaving promptly for the shift to avoid unnecessary overtime unless otherwise approved by the supervisor.

SECTION 2: TARDY

A tardy is defined as arriving after the start time of an assigned work schedule without prior permission or approval. An employee who is excessively or repeatedly tardy may be subject to disciplinary action up to and including termination of employment.

SECTION 3: ABSENTEEISM

Absenteeism is a pattern of absence from work that is not protected under state or federal law.

An employee who accumulates excessive unprotected absences that are not pre-approved may be subject to disciplinary action up to and including termination of employment.

Reference the [Employee Leave](#) policy, paragraph Reasonable Documentation, for additional information about documentation requirements to substantiate an absence.

Absent extenuating circumstances, an unreported absence for two consecutive scheduled days or shifts is considered job abandonment, reference the [Job Abandonment](#) policy.

EMPLOYEE LEAVE

SECTION 1: SICK

Sick Leave: is subject to the [Paid Sick Time Administrative Policy](#).

Qualifying Reasons: Sick leave is to be used as a means for paid time off when the employee is unable to work due to a qualifying reason under the Arizona Fair Wages and Healthy Families Act. Sick leave may be used for the following:

- An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventative medical care.
- Care of a family member's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventative medical care.
- Closure of an employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official.
- Care for oneself or family member when it has been determined by health authorities or a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease.
- Absence due to domestic or sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member medical attention; program services for domestic violence or sexual violence or victim services; psychological or other counseling; relocation or taking steps to secure an existing home due to the domestic violence, sexual

violence, abuse or staking; or legal services related to domestic violence, sexual violence, abuse or stalking.

Definition of Family Member: Family members are defined as follows:

- Children of any age including biological, adopted, or foster children, stepchildren or legal wards, children of a domestic partner or children for whom the employee stands in loco parentis (in place of parents) which refers to the legal responsibility of a person to take on some of the functions and responsibilities of a parent or an individual to whom the employee stood in loco parentis when the individual was a minor.
- Parents including biological, foster, stepparents, adoptive parents or legal guardians of the employee or the employee's spouse or domestic partner, including persons who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child.
- Spouses or domestic partners.
- Grandparents, grandchildren, or siblings including biological, foster, adoptive or step relationships of the employee or the employee's spouse or domestic partner.
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Sick Accrual: Full-time employees accrue 3.7 hours of paid sick time per pay period, up to 96 hours per year, with no maximum limit. Part-time, temporary, and on-call employees accrue paid sick time at a rate of 1 hour for every 30 hours worked, up to 40 hours of paid sick time each calendar year. Accrued and available paid sick time has no cash value and is not eligible for payout.

Usage: Use of leave by non-exempt employees must be rounded up to the nearest quarter hour. Use of leave by exempt employees shall be recorded in full or partial day increments.

Notice Requirements: Employees must make a good faith effort to give the City advance notice and schedule sick leave in a manner that does not unduly disrupt the City's operations; however, it is understood that sick leave can be unanticipated. When leave is unforeseeable, the employee shall notify their supervisor at least 1 hour before scheduled starting time. The only exception to this time requirement is an emergency that takes place prior to the employee's scheduled start time. Failure to do so may result in the employee being considered absent without approved leave. The employee must also enter the time off through the City's electronic timekeeping system.

Reasonable Documentation: Sick leave of 3 or more consecutive workdays may require reasonable documentation from a health care professional or an applicable authority stating the employee has been out for an eligible reason and will be required at more than 5 consecutive workdays. An injury or illness that affects an employee's job performance may require a fitness for duty from a healthcare professional.

Reasonable documentation is to be given by the employee to the Human Resources Department.

Separate department or division policies that are more restrictive due to the operational needs of the department or division may be placed in effect following review and approval by the Human Resources Director.

No Sick Leave Available: An employee who has a non-work-related illness or injury and has exhausted accumulated sick leave and other paid leave may apply for leave without pay. Refer to the [Leave of Absence](#) policy.

Death of Employee: In the event an employee dies while employed by the City, the employee's accumulated sick leave shall be paid to the employee's designated beneficiary at the employee's rate of pay at the time of death regardless of the number of hours accumulated or the number of years the employee has worked with the City prior to the time of death.

SECTION 2: VACATION

Vacation: Vacation leave is provided to full-time employees to provide opportunities for rest, relaxation, personal pursuits, and work life balance. Vacation leave should be planned and requested as far in advance as is reasonable to allow management to plan for the operation of the department.

Vacation Accrual Schedule: Full-time employees accrue 3.08 hours of paid vacation per pay period, up to 80 hours the first year of employment, and 10 additional hours for each year of service thereafter, up to 180 hours per year.

Accrual Requirements: Regular full-time employees begin to accrue vacation at the time of hire.

An employee will not accrue vacation during a pay period in which the employee is in an unpaid status.

Usage: Use of leave by non-exempt employees must be rounded up to the nearest quarter hour. Use of leave by exempt employees shall be recorded in full or partial day increments.

Upon termination from the City, employees will be paid for unused vacation accruals at the base rate except for employees who terminate from the City for any reason prior to the completion of twelve months of full-time service. Employees in the first twelve months of employment are ineligible to receive vacation leave payout.

When an employee moves from full-time to part-time or temporary status, vacation accruals are paid to the employee at the base rate.

Maximum Accruals: The maximum amount of vacation leave an employee may accumulate at any time is 320 hours, unless otherwise approved by the City Manager.

Donated Vacation: Regular full-time employees may apply to the Human Resources Department to receive donated vacation once all paid leave is exhausted. Employees on intermittent leave are not eligible for donated leave. Intermittent leave is defined in the [Family and Medical Leave \(FMLA\)](#) policy.

Only vacation leave may be donated. Leave is donated on an hour for hour basis. There is no maximum amount of leave that can be donated by any one individual. However, the donor must have a balance of at least 40 hours after the donation is subtracted. Donated time that is not used will not be returned to the donor. This unused leave will be assigned to a leave bank for use of a future eligible employee. A donor may not specify who is to receive the donated leave.

To request vacation leave donations, employees must have a situation that meets one or more of the following criteria:

Medical emergency, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Major disaster, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

SECTION 3: HOLIDAYS

A schedule of holidays to be observed during the calendar year will be published by the City Manager in December of the preceding year. Holiday observation dates may vary from year to year but will be observed in the pay period in which they occur.

Holidays Observed:

- New Year's Day
- Martin Luther King, Jr. / Civil Rights Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Thanksgiving Recess
- Christmas Day

Administrative services will be closed on the holidays observed. Fire and Police emergency responses are not affected by the holidays.

Paid Holiday. Regular full-time employees in active pay status on the day a holiday is observed will receive an amount equal to their regularly scheduled shift at their regular rate, not to exceed 10 hours. This amount will be known as a Paid Holiday.

Active pay status is defined as a period when an employee is eligible to receive pay directly from the City including, but not limited to hours worked and/or paid leave.

SECTION 4: HOLIDAY CLOSURE

City offices will be closed between the Christmas and New Year's holidays. Essential services, such as Police, Fire, etc., will continue despite the holiday.

Regular full-time and regular part-time employees receive holiday closure leave for the regularly scheduled workdays between Christmas Day and New Year's Day. The number of hours awarded may vary from year to year.

Leave may be utilized from December 26th to December 24th of the following year. For example, leave granted December 26 –31, 2021 must be used by December 24, 2022.

There is no payout value for unused holiday leave hours.

Use of leave by non-exempt employees must be rounded up to the nearest quarter hour. Use of leave by exempt employee must be in full day increments.

SECTION 5: SERVICE, RECOGNITION, AND EXECUTIVE LEAVE

Service Award Leave and Recognition Leave is subject to the [Employee Recognition and Reward Policy](#).

Service Award Leave:

- Service Award Leave is based on years of City service as of June 30.
- Service award leave must be used on or before June 30 of each year and cannot be carried over to a subsequent year.
- There is no payout value for unused Service Award Leave.
- Years of service must be continuous. If an employee leaves the City for any period and is then rehired, the prior years worked are not calculated into the service award leave.

Recognition Leave:

- Regular full-time employees receive up to 10 hours of leave, pro rata for regular part-time employees, granted as a form of recognition.
- Recognition leave must be used on or before June 30 each year and cannot be carried over to a subsequent year.
- There is no payout value for unused recognition leave.

Executive Leave is subject to the [Employee Retention Policy](#).

As an incentive to recruit and retain management level employees, the City grants executive leave to employees in the Management job family classification.

- Eligible full-time employees receive 40 hours of executive leave, pro rata for regular part-time employees.
- Executive leave must be used on or before June 30 of each year and cannot be carried over to a subsequent year.
- There is no payout value for unused leave hours.
- Employees eligible for executive leave are ineligible to receive service award leave.

Usage: Use of leave by non-exempt employees must be rounded up to the nearest quarter hour. Use of leave by exempt employees shall be recorded in full or partial day increments.

SECTION 6: FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid leave a year and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

Eligibility: To be eligible to take leave under the FMLA, an employee must:

- Have worked 1,250 hours during the 12 months prior to the start of leave.
- Have worked for the employer for 12 months.

Qualifying Conditions: Eligible employees are entitled to 12 weeks of unpaid, job protected leave in a 12-month period for one or more of the following reasons:

- For the birth of a son or daughter, and to bond with the newborn child.
- For the placement with the employee of a child for adoption or foster care, and to bond with that child.
- To care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition.
- To take medical leave when the employee is unable to work because of a serious health condition.

- Or for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

The FMLA also allows eligible employees to take up to 26 weeks of unpaid, job-protected leave in a “single 12-month period” to care for a covered servicemember with a serious injury or illness.

Birth and Bonding: Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement.

Mothers and fathers have the same right to take FMLA leave to bond with a newborn child. A mother can also take FMLA leave for prenatal care, incapacity related to pregnancy, and for her own serious health condition following the birth of a child. A father can use FMLA leave to care for his spouse who is incapacitated due to pregnancy or childbirth.

Intermittent Leave or Reduced Workweek: When it is medically necessary, employees may take FMLA leave intermittently, taking leave in separate blocks of time for a single qualifying reason, or on a reduced leave schedule, reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation.

Serious Health Condition: Definition: The most common serious health conditions that qualify for FMLA leave are:

- Conditions requiring an overnight stay in a hospital or other medical care facility.
- Conditions that incapacitate the employee or family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication).

- Chronic conditions that cause occasional periods when the employee or family member is incapacitated and requires treatment by a health care provider at least twice a year.
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).
- Incapacity or treatment due to a chronic serious health condition. Chronic serious health condition is defined as one that requires periodic visits (at least twice per year) for treatment by a health care provider or nurse under the supervision of the health care provider, continues over an extended period, and may cause episodic rather than continuing periods of incapacity.

Employee Notice: Employees must give 30 days advance written notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. For example, if the employee is scheduled for surgery in two months, the need for leave is foreseeable and at least 30 days advance notice is required. If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical. When the employee has no reasonable excuse for not providing at least 30 days advance notice, FMLA leave may be delayed until 30 days after the date notice is provided.

In the case of FMLA leave for a qualifying exigency, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

To request FMLA leave, the employee must complete the [FMLA Request Form](#) and submit to the Human Resources Department.

Employer Notice: When an employee requests FMLA leave, the Human Resources Department will notify the employee of his or her eligibility to take leave and inform the employee of his or her rights and responsibilities under the FMLA. When the Human Resources Department has enough information to determine that leave is being taken for a FMLA qualifying reason, the Human Resources Department will notify the employee that the leave is designated and will be counted as FMLA leave.

Certification: The Human Resources Department will provide employees who request FMLA leave for reasons involving a serious health condition a medical certification form. The medical certification form is provided to the employee within 5 business days of receiving the employee's FMLA Leave Request form.

The employee is responsible for providing a complete certification from a health care provider within 15 calendar days from receipt of the paperwork from Human Resources. The employee is also responsible for paying the cost of the certification and ensuring it's turned into the Human Resources Department. If the certification is incomplete or insufficient, the City will give the employee a written notice stating what areas need clarification or completion.

In certain circumstances, the City, at its expense, may require a 2nd or 3rd medical opinion. This decision will be at the discretion of the Human Resources Director.

The employee may be required to provide recertification every 30 days during the leave, and/or periodic reports regarding the employee's status and intent to return to work.

Employees on intermittent FMLA will be required to provide recertification every 6 months.

The City may deny FMLA leave if the employee refuses to release relevant medical information to the health care provider designated by the City to provide the second (or third) opinion. In addition, if the City requires additional information to determine if the absence is FMLA-qualifying, the employee must respond to the City's request for such information as soon as possible. Failure to respond may result in denial of FMLA.

Measuring FMLA Leave: The City uses a rolling 12-month period measured backward from the date an employee requests to use any FMLA leave. Each time an employee uses FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12-months.

Use of Paid Leave: Paid leave will run concurrently with some or all an employee's unpaid FMLA leave. Concurrent leave means the absence will count against both the designated paid leave and unpaid FMLA leave entitlement at the same time. Employees who do not have available leave, remain entitled to take available unpaid FMLA.

Use of leave by exempt and non-exempt employees for a FMLA qualifying reason must be rounded up to the nearest quarter hour.

The type of leave to be used while on FMLA leave should be outlined on the Designation Notice.

Use of paid sick leave while on FMLA leave must comply with the qualifying reasons outlined in the [Sick Leave](#) policy.

Use of paid leave examples: 1) An employee needs 8 weeks of leave due to a serious health condition. The 8 weeks will be designated as FMLA leave and counted toward the employee's 12-week FMLA leave entitlement. The employee will be required to use sick leave prior to using other paid leave and prior to being eligible for unpaid leave. 2) An employee needs leave for the period (generally 6 weeks) of incapacity following childbirth. The employee will be required to use sick leave prior to using other paid leave and prior to being eligible for unpaid leave. 3) An employee needs leave to be home with a new baby, for bonding reasons not because of a medical condition. The employee will not be permitted to use sick leave and will be required to use other paid leave prior to being eligible for unpaid leave.

Continued Benefits Coverage for Full-Time Employees: Group health, dental and life insurance will be provided for the duration of the FMLA leave and at the same rate as if the employee had not taken leave. Benefit premiums will continue to be deducted from the paycheck while an employee is on paid leave. Employees on unpaid leave must continue to pay the employee portion of premiums for employee and dependent(s). Premium payments are due on the tenth day of the month that coverage is to be provided. Payments are submitted to the Human Resources Department. Failure to pay premiums may result in cancellation of coverage.

Suspension of Leave Accumulation: Leave accumulation, such as vacation, sick leave, or holiday benefits, will be suspended during an unpaid leave and will resume upon return to active employment.

Return to Work: In certain situations, prior to an employee being allowed to return to work following a medical leave for their own medical condition, they will be required to submit a written work release to Human Resources from their health care provider certifying their ability to return to work with or without restrictions. Any restrictions must be clearly defined. Return to work will be delayed until the written work release is provided. Human Resources and the supervisor will review any restrictions listed to determine whether a reasonable accommodation or light duty exists. If reasonable accommodation or light duty is not available, the employee will be required to return to a leave of absence status up to the maximum allowed by the leave policy or as required by law.

Upon return from FMLA leave, an employee will be restored to the same position held before the leave began or an alternative position with equivalent pay, benefits, and other terms and conditions of employment.

SECTION 7: LEAVE OF ABSENCE

Leave Without Pay: An unpaid leave of absence can only be requested if all leave accruals have been exhausted. Requests for leave without pay must be submitted in writing in advance of the leave and include the requested dates of leave and the reason for the request. Written requests are submitted to the Department Director. The leave request is reviewed by the Department Director and the Human Resources Director who make recommendations, subject to approval by the City Manager.

Reasons for Leave: Leave without pay may be granted up to ninety days for non-medical reasons and up to one year for medical reasons covered by the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), or similar federal or state law. Under extenuating circumstances or as required by law, the City Manager may grant an extension of a leave period upon written request by the employee.

Benefits while on Leave: Employees who are granted leave without pay shall retain their date of hire but shall not accumulate any paid leave time during the unpaid leave of absence nor be entitled to holiday pay.

Employees granted leave without pay are ineligible for an annual review of job performance or for an adjustment in pay until the performance evaluation is completed, immediately following the return to active employment status.

Employees on leave without pay may elect to continue group insurance coverage. However, unless the employee is on FMLA leave, the employee must assume the entire cost of both employee coverage and dependent coverage premiums. Payment must be submitted to the Finance Department by the 10th of each month to ensure continued coverage.

Fitness for Duty Statement or Return to Work Release: Prior to an employee being allowed to return to work following a leave of absence for their own medical condition, they may be required to submit a written work release or fitness for duty statement to Human Resources from their health care provider certifying their ability to return to work with or without restrictions. Any restrictions must be clearly defined. A return to work will be delayed until the fitness for duty certification or return to work release is provided. An employee who fails to return to work after the authorized leave without pay has been exhausted and continues to be absent from duty without proper authorization will be considered to have voluntarily resigned.

Return from Leave – Position Placement: Upon returning from an approved leave of absence, the employee will be placed in the employee's position prior to the leave of absence, if available. If said position is unavailable, the employee may be placed in an available similar position. If there are no similar positions available, the employee will be laid off and will be eligible for recall. Refer to the [Reduction in Force](#) policy.

SECTION 8: MILITARY LEAVE

A regular employee who is or may be a member of the National Guard or the Military Reserves (U.S. Armed Forces) will be entitled to a leave of absence, upon written request to the employee's Department Director and submittal of appropriate documentation of military active duty orders, on all days during which they are employed with or without pay under the orders of or authorization of competent authority, on active duty during training or duty with troops, field exercises or instruction for a total period not to exceed 30 working days in any two consecutive years, or as otherwise required by law.

Returning from military leave: Employees returning from military leave are eligible for reinstatement when on leave no more than a cumulative length of five years over the employee's term of City service.

Position of Reappointment: For absences of less than 91 days, the employee will be reemployed back into his/her original position. For absences of more than 90 days, the employee will be reemployed back into his/her original position or a position of like seniority, status, and pay.

SECTION 9: CIVIC LEAVE

Jury/Witness Duty: Full-time regular employees are entitled to paid leave during regular working hours when subpoenaed for a court appearance or jury duty by a court of law unless the employee is a party to the civil case or a defendant in the criminal case. An employee released from jury duty or witness duty prior to the end of the employee's scheduled workday must report for the remaining hours of work.

Voting Leave: All employees who are entitled to vote in a primary or general election held within the state are granted paid leave to vote at the beginning or end of the work shift if there are less than three consecutive hours between the opening of the polls and the beginning of the employee's shift or less than three consecutive hours between the end of the employee's shift and the closing of the polls. The amount of leave granted shall be the time necessary for the employee to cast a vote, not to exceed 3-hours.

SECTION 10: BEREAVEMENT LEAVE

Bereavement leave is available to employees for the purpose of attending to family needs that arise in connection with the death of an immediate family member. If an employee needs to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately.

Bereavement leave replaces lost wages; it is not intended to provide additional compensation.

Immediate family for the purpose of bereavement leave is defined as spouse, parent, child, sibling, grandparent, grandchild and all step and in-law of same.

In the event of a death in the immediate family, time off with pay, up to 40 hours will be granted.

Time off without pay or with use of paid leave to attend a funeral of a relative that falls outside of the immediate family may be allowed with prior approval of the City Manager.

SECTION 11: EMERGENCY CLOSING

Emergencies such as inclement weather, natural disasters, or other emergency situations can disrupt City operations and may require the closing of a work facility. Closing a work facility is at the sole discretion of the City Manager or designee, who will advise the Mayor and City Council of such closing as soon as practical under the circumstances. If such an emergency occurs during non-work hours, Department Directors are responsible for notifying the affected employees.

Employees in essential operations may be required to work because of emergency conditions on a day when non-essential operations are officially closed. Employees are expected to report to work as scheduled. Employees who work will receive regular pay.

When operations of the City or any part of the City are officially closed due to emergency conditions or other situations determined by the City Manager or designee, the time off from scheduled work will be paid. In such circumstances, the employee will remain in a “ready to work” status and will be subject to returning to the jobsite within 60 minutes of notification.

EMPLOYEE BENEFITS

SECTION 1: GROUP BENEFITS

Group Benefits: The City provides group benefits coverage, which may change from time to time, for eligible employees. The City also contributes towards all mandated programs such as Social Security, Workers' Compensation, and Unemployment Insurance.

Eligibility: Regular full-time employees of the City are generally eligible for coverage under all the City's benefit programs, depending upon the restrictions and limitations of each particular benefit plan. Where applicable, the employee may elect to cover dependents under these programs in accordance with current contract requirements and rate schedules. Normal eligibility rules must be met. Other employment classifications are not eligible for benefit coverage except as specifically provided for in a particular benefit plan or as required by law.

Group Insurance Coverage: The City contributes to the costs of providing group insurance coverage for regular full-time employees who participate in the group insurance programs offered by the City, depending upon the restrictions and limitations of the particular benefit plan. The City may also contribute to dependent coverage for eligible employees.

Voluntary Benefits: Voluntary benefits, such as benefits for dependents, supplemental health benefits, and additional employee-related benefits, are offered by the City, depending upon the limitations and restrictions of the plans. Voluntary benefits are offered at the discretion of the City Manager.

Retirement Programs: Enrollment in the Arizona State Retirement System or the Public Safety Personnel Retirement System will be determined based on eligibility. The Arizona State Retirement System (ASRS) covers all eligible City employees who are not covered by another plan. The Public Safety Personnel Retirement System (PSPRS) covers

eligible employees in public safety positions (police and fire). Eligibility, benefits, and contributions are determined by the State. Contributions to the retirement system are mandatory for eligible positions and are deducted from the employee's pay each payroll period.

More information can be obtained by visiting the program websites:

- [Arizona State Retirement System \(ASRS\)](#)
- [Public Safety Personnel Retirement System \(PSPRS\)](#)

SECTION 2: TELEWORKING

Teleworking: is subject to the [Teleworking Administrative Policy](#).

Definition: Telework or teleworking refers to a work agreement under which the employee performs the duties and responsibilities of their position from home or an approved alternate location, as determined by the employee and department director, for a specified period.

Telework is at the department director's discretion and is not a right of employment. All City employees who telework must have an approved telework agreement under this policy. Departments may have additional telework requirements, guidelines, and procedures, provided they are consistent with the intent of this policy. The City Manager may suspend or terminate the telework program at any time.

Telework does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Teleworkers may be offered or assigned telework based upon job tasks, in-person collaboration needs, necessity, and remote work site suitability. Certain positions may be ineligible for participation due to business necessity or job duties.

SECTION 3: WORKERS' COMPENSATION

Worker's Compensation: is subject to the [Workers' Compensation – Industrial Injuries Administrative Policy](#).

All employees are covered by the City in compliance with the Arizona State Workers' Compensation Act against job-related injuries and illnesses. The law provides for payment of medical expenses and, under certain circumstances, compensation for loss of income. It is mandatory for employees to report every job-related injury or illness, regardless of severity, to the supervisor and complete all reporting requirements.

The City's workers' compensation administrator will determine compensability for workplace injuries and illnesses.

Once a workers' compensation claim is approved by the worker's compensation administrator, for an injury/illness that results in lost work time, temporary total disability (TTD) benefits are calculated and issued. In accordance with state law, TTD benefits are paid at two-thirds of the average gross weekly wage the injured employee earned on the date of the injury, subject to maximums, minimums, and reduction by state disability benefits received. Except for payment of medical expenses, TTD is not paid for the first 7 days after injury or illness. If the disability extends beyond the 7-day period, TTD compensation will begin on the 8th day. If it continues beyond the thirteenth day, TTD compensation is computed and made retroactive to the date of injury or illness. These are standards set by state law.

Employees who are injured on the job receive industrial leave (salary continuance) when the health care provider's diagnosis renders the employee unable to perform the essential functions of his/her job with or without reasonable accommodation, when treatment is required by the licensed professional, and providing the claim is approved by the City's workers' compensation administrator. If the claim is denied by the workers' compensation administrator, the employee will be charged leave time or shall pay back the amount owed.

An employee's income from the City while receiving salary continuance must not exceed the employee's base bi-weekly gross salary.

While on approved industrial leave the employee is not required to use accumulated leave.

SECTION 4: LIGHT DUTY

Light Duty is intended for employees recovering from a medically documented mental or physical illness or injury sustained on or off the job who have work restrictions and who are expected to return to their position with or without an accommodation. If the employee can perform their regular job duties within the limitations established by a health care provider, the employee will return to their regular duties, and the provisions of this policy do not apply.

In approving and assigning Light Duty, the Human Resources Department will work with the Department Director and take the employee's skills and abilities into consideration, as well as the applicable medical restrictions.

The City will attempt to offer light duty work to employees, but it is not guaranteed. There may be times that the City does not have appropriate work available or does not have work that can be safely performed by the employee based upon the restrictions set out by the employee's health care provider. The decision of the Department Director regarding any light duty assignment is not subject to grievance or appeal.

If there is limited light duty work available, preference will be given to the employee whose work restrictions are due to an industrial injury and/or individual with a disability under the ADA.

Employees who are on a Light Duty work assignment are not eligible for off-duty work or overtime work. This includes on-call or stand-by duty.

To initiate a light duty work assignment request, the employee will submit to the Human Resources Department a statement signed by the employee's health care provider that states that the employee has a medical condition that requires light duty, what restrictions are required on the employee's duties, and identify the estimated beginning and end dates. An employee will be required to get clarification or confirmation of work restrictions if the health care provider's note is not clear.

Light duty extension: If additional time is needed beyond an authorized light duty assignment, the employee must contact the Human Resources Department for additional consultation.

Returning to regular duty: At least two working days before returning to work, the employee must provide the Human Resources Department with a written work release from the employee's health care provider, which allows the employee to return to work with or without an accommodation.

SECTION 5: CONTINUATION OF HEALTH INSURANCE

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA): gives covered employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of El Mirage's health plan when a qualifying event would normally result in the loss of eligibility.

Qualifying events: include resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Payment: Except as otherwise required by law, under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee as prescribed by Federal law.

Written notification of eligibility: The City's COBRA administrator provides each eligible employee with a written notice describing rights and responsibilities under COBRA when the employee becomes eligible for coverage under the City's health insurance plan; when the employee experiences a qualifying event; and at various federally required dates depending upon the employee's election of COBRA.

SAFE WORK ENVIRONMENT

SECTION 1: SAFE WORK ENVIRONMENT

Safe Work Environment: The City is committed to providing a safe and healthy working environment. The City makes every effort to comply with relevant Federal and State occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment. The City's policy is aimed at minimizing the exposure of its employees and visitors to its facilities to health or safety risks.

Employees: All employees are responsible for their safety and the safety of others in the performance of their job duties and are required to observe all safety policies and regulations.

Failure to procure equipment when required or to properly use and wear required safety equipment may result in disciplinary action up to and including termination of employment. Where it cannot be reasonably accommodated, the inability to wear required safety equipment may be grounds for disqualification of employment of job applicants, grounds for transfer, reclassification, demotion, or termination of employment of City employees.

In addition to guarding their own safety and City property, employees will do everything possible to safeguard co-workers and are responsible to hold each other accountable. Employees are also responsible for other people they may encounter in the performance of their job duties including customers, vendors, and members of the public. Employees will immediately report to their supervisor any accident, illness, or disease arising from their employment that affects the employee or anyone else. Employees will also report any unsafe condition to their supervisor.

Management: It is the responsibility of management to:

- Detect and correct unsafe working conditions and practices.

- Enforce the maintenance of safe working conditions.
- Train employees in correct work procedures and City safety policies.
- Ensure that each employee knows and follows safety rules.
- Encourage safety suggestions and discussions.
- Ensure that all accidents and injuries are reported promptly and properly.

SECTION 2: SMOKING

Smoking is prohibited throughout the City's buildings, in City vehicles, and while on-duty even if the employee's work is being conducted outdoors. An employee may smoke during his/her normal breaks provided the employee smokes outside and at least 25 feet from all entrances to a City building. This policy applies equally to all employees and visitors.

The use of any electronic cigarette, e-cigarette, personal vaporizer, PV, or any other simulated cigarette is prohibited in the same manner as is smoking tobacco.

DRUG-FREE WORKPLACE

SECTION 1: DRUG-FREE WORKPLACE

The City of El Mirage is committed to be a drug-free and safe workplace. Our employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs, or any substance that would affect his/her ability to perform the job in a safe and efficient manner.

Drug-Free Workplace: is subject to the [Drug-Free Workplace Administrative Policy](#).

SECTION 2: TYPES OF TESTING

The City has implemented circumstances for drug and alcohol testing.

Pre-Employment Testing: Candidates for employment in a DOT-covered or safety-sensitive positions with the City of El Mirage will be required to submit to a drug test upon a conditional offer of employment. City of El Mirage employees who are transferring, promoting, or demoting into a DOT-covered or safety-sensitive position will be required to submit to a drug test as part of the employment process. Any candidate refusing to take a pre-employment drug test or testing positive for controlled substances shall be denied employment.

Post-Accident Testing: All employees are subject to post-accident drug and alcohol testing under the following circumstances:

- Human fatality.
- Bodily injury with treatment away from the scene with the employee receiving a citation.
- Disabling damage to a vehicle with the employee receiving a citation.

If the above criteria do not apply to the accident, the supervisor may require the individual to be tested under the reasonable suspicion protocol if the supervisor has directly observed behavior that is consistent with that of an individual under the influence of or impaired by drugs or alcohol.

Reasonable Suspicion: All employees are subject to reasonable suspicion testing, when applicable. The City of El Mirage shall require that an employee undergo drug and/or alcohol testing when, in the opinion of the City Manager, the Human Resources Director, the Department Director, or the supervisor of the affected employee, there is a reasonable suspicion that the employee's ability to perform the functions of the employee's position or any assigned tasks is impaired to any degree in any manner as a result of alcohol, drugs, or controlled substances, including marijuana.

Random Testing: Employees in safety sensitive and DOT-covered positions will be randomly selected for unannounced drug and alcohol testing using a scientifically, statistically valid random-number generation process.

Return to Duty Testing: Return to duty testing is a process required by federal guidelines for employees covered by DOT drug and alcohol testing rules, for a drug or alcohol use violation.

SECTION 3: DRUG AND ALCOHOL TESTS

Drug/alcohol testing will be conducted at the City's expense. An employee, when requested, is required to submit to a test as chosen by the City to determine alcohol or drug content.

Drug/alcohol tests may screen for the following substances or their metabolites: Cannabinoids/THC/Marijuana, Cocaine, Opiates, Phencyclidine (PCP), Amphetamines, Methaqualone, Barbiturates, Benzodiazepines, Propoxyphene, Methadone. Employees tested should notify laboratory personnel of information that could affect test results, including identification of currently or recently used prescription or non-prescription drugs.

A refusal to submit to drug/alcohol testing procedures or a failure to cooperate with the implementation of this policy and the City's efforts to maintain a drug-free workplace may result in discipline, up to and including termination.

SECTION 4: RESULTS

All testing will be completed by a licensed professional vendor who will collect and analyze samples using an established protocol and scientific method. Results of the test will be in accordance with generally prescribed thresholds adopted by the licensed professional collection/testing facilities.

When an alcohol test is administered during a random, reasonable suspicion, post-accident, or follow-up test, an alcohol concentration level of 0.02 or higher will be considered positive.

Confidentiality: Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the medical review officer (MRO) will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim, or other legal proceeding initiated by or on behalf of an employee or applicant.

Right to Explain Positive Results: Employees who test positive on a drug test and/or employees whose breath alcohol concentration tests .02 or greater shall have the right, upon request of the employee, to explain, in a confidential setting, the test results to her or his Department Director before any disciplinary action is commenced as a result of the test results. If the employee is a Director or higher, the employee shall have the right to explain, in a confidential setting, the test results to the City Manager.

Employees who violate the work rules identified above will be subject to discipline, up to and including termination.

Employee Assistance: The City of El Mirage will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other City policies.

SECTION 5: AUTHORIZATION FOR PREVIOUS TEST RECORDS OF CDL HOLDERS

As a condition of employment, any employee who is required to hold a commercial driver's license (CDL) for the position shall sign a release authorizing the City to obtain drug and alcohol testing records from the employee's previous employers for the previous two years. The City will verify that no prior employer of the employee has records indicating a violation of any DOT rule pertaining to controlled substance or alcohol use within the previous two years.

IDENTIFICATION BADGE

SECTION 1: CITY ID BADGE

City employees are always required to wear their City ID badge while working. ID badges serve the dual purpose of readily identifying persons authorized to be in secure work areas and providing keyless entry by authorized employees into City facilities.

DOCUMENT MANAGEMENT

SECTION 1: RECORD RETENTION AND DISPOSITION

All employees are required to ensure all public records in the custody of the City shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law. The public records laws also establish maximum periods of time for which a public record may be retained. The records retention periods are set forth in the [Arizona Municipalities Records Retention and Disposition Schedule](#).

SECTION 2: PUBLIC INFORMATION

Employee records may be considered public information and may be subject to disclosure pursuant to a public records request under the Arizona Revised Statutes. All personnel file related public records requests will be reviewed by the Human Resources Director, prior to the release of any information or materials.

Arizona Revised Statute (A.R.S.) § 39-123, prohibits the disclosure of the home address or home telephone number of a current Police (Peace) Officer, except as authorized by

law. This restriction also applies to certain photographs of Police Officers (Peace Officer). Any disclosure of information regarding a Police Officer must be approved by the Human Resources Director or City Attorney prior to disclosure.

If an email is considered a public record under current Arizona state law, employees may be required to disclose the email upon request. If the content of the email is considered a public record, it must be retained for the period required by Arizona state retention schedules for that record.

SECTION 3: PUBLIC RECORD REQUESTS

All requests for public records received by any department must be referred to the City Clerk's Office. No department or employee other than the City Clerk is authorized to directly respond to any public records request, unless expressly permitted by the City Clerk.

VOLUNTEER AND INTERNSHIP PROGRAM

SECTION 1: VOLUNTEERS

The City's volunteer and Internship program is subject to the [Volunteer and Internship Program Administrative Policy](#).

The City of El Mirage strongly believes that permitting individuals to fulfill civic, charitable, or humanitarian needs by volunteering their services to the City is an important tool in connecting individuals to the community in which they live. Internships are an important tool in introducing students and recent graduates to public service and preparing the workforce of the future.

Volunteer/Intern Defined:

- A volunteer is an individual who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for the services rendered.
- An intern is a student or recent graduate who is given practical training under supervision.
- An internship is the period for which a person serves as an intern.

Volunteer Service: Volunteers and Interns must conduct themselves in accordance with the standards applicable to employees of the City, as set forth in the Employee Policy Manual and any Department specific policies and procedures. Volunteer or Internship opportunities may be terminated at any time without cause or prior notice.

Applicability: This policy does not apply to persons appointed by City Council to voluntarily fill seats on City boards and commissions or any organization that partners with the City.

Employees as Volunteers: Under special circumstances, an employee may serve as a volunteer when his/her paid work is substantively different from his/her work as a volunteer and the purpose of the volunteer activity otherwise complies with the definition in this policy. Any City employee seeking to volunteer in any capacity for the City must receive prior written approval from the Human Resources Director after receiving Department Director level approval.

CORRECTIVE ACTION

SECTION 1: GENERAL

Employees are expected to meet the City's standards of performance and conduct as well as follow policies and procedures. If an employee does not meet performance or conduct standards or fails to follow policies and procedures, corrective action may be taken.

Corrective action refers to the actions of a documented performance improvement plan, informal disciplinary action, or formal disciplinary action.

SECTION 2: PERFORMANCE IMPROVEMENT

The City recognizes that performance issues can often be resolved before they become disciplinary issues when they are addressed early. Supervisors are encouraged to discuss performance issues with their employees as they occur.

A Performance Improvement Plan (PIP) is a tool to provide an employee with performance deficiencies the opportunity to succeed.

Supervisors considering implementing a PIP must consult with the Human Resources Department.

Document Performance Issues: In documenting the main performance issue(s), the supervisor should be objective, factual, specific, and provide facts and examples to further clarify the severity or pattern of performance concern(s) and may include the following:

- Relevant dates
- Description of performance discrepancy or gap
- Description of plan objectives/expected performance

- Description of actual performance
- Description of consequences
- Plan of action

Develop an Action Plan: The supervisor establishes an action plan for improvement, which may be adjusted after receiving the employee's input and feedback. Making the process collaborative can help identify areas of confusion or misunderstanding on the employee's part and can encourage ownership of the issue(s) by the employee. This action plan should include specific and measurable objectives which are relevant to the underlying issues and a timeline for expected improvement (normally 30-60 days). When developing a PIP, it is important to clearly identify the performance issues and expectations.

The supervisor determines if the employee needs any additional resources, time, training or coaching to meet the plan objectives/expected performance. The plan identifies what management will do or provide to assist the employee in achieving these goals.

Meet with Employee: During this meeting, the supervisor must clearly lay out the areas for improvement and plan of action. The supervisor may need to modify the action plan after receiving the employee's input and feedback. After changes to the plan are made, the supervisor completes the Performance Improvement Plan (PIP) memorandum. The supervisor and the employee both sign the PIP. If an employee refuses to sign the PIP, the supervisor will note the refusal on the PIP.

Follow-Up on Progress: The employee and supervisor will establish regular follow-up meetings (weekly, biweekly, or monthly), which should be outlined in the PIP. These meetings are intended for discussion and documentation of progress toward objectives. Supervisors should ensure that any potential roadblocks are discussed, and that the employee has been provided the necessary tools and training for success.

PIP Conclusion: When the employee meets the plan objectives, the supervisor should notify Human Resources, formally close the PIP, and recognize the employee's success.

While a positive occasion for the employee, the supervisor must be sure the employee understands that sustained satisfactory performance is expected.

If the employee is unable to improve or if his or her performance worsens, the supervisor must consult with the Human Resources Director prior to closing the PIP and/or initiating disciplinary action.

This process is not required before disciplinary action is initiated. There are performance issues that should immediately be dealt with as disciplinary issues. The intent of this performance improvement process is to simply provide a means of correcting performance concerns at the lowest level.

SECTION 3: GROUNDS FOR DISCIPLINARY ACTION

The following list includes those actions that are a basis for disciplinary action. This list is not intended to be all-inclusive but is illustrative of the types of actions that lead to disciplinary action.

- The employee's performance does not meet expectations.
- The employee has been abusive in his or her language or has threatened or caused physical harm to others.
- The employee has violated an official regulation or order, has failed to obey any reasonable directions given him/her by the supervisor or other responsible City Official, or has violated any provision of this Employee Manual.
- The employee has violated the [Drug-Free Workplace Administrative Policy](#).
- The employee has engaged in any activity which would violate State or Federal criminal statutes.
- The employee has provided false or misleading information in any document, report, or statement related to his or her employment with the City. This includes but is not limited to the employment application and related materials, complaints, and grievances.
- The employee has caused damage to City property or waste of City supplies, through negligence or willful misconduct.

- The employee is unsafe to himself or herself, to other employees, or to the public in the performance of his or her duties and responsibilities.
- The employee has been inexcusably absent, has failed to receive prior approval for any absence, or has abandoned his or her position.
- The employee has taken any action that discriminates against another person based on race, color, sex, religion, national origin, age, disability, or any other legally protected status.
- The employee has engaged in improper political activities.
- The employee has engaged in conduct, either during or outside of regular hours, that causes discredit to the City.
- The employee has taken any action or actions that prevent him or her from doing his or her assigned duties.
- The employee has violated any state or federal laws prohibiting discrimination in the workplace, including creating a hostile or harassing environment due to a person's race, color, sex, religion, national origin, age, disability, or any other status legally protected by state or federal law.

SECTION 4: TYPES OF DISCIPLINARY ACTIONS

Informal Discipline:

Oral Counseling: An oral counseling is an informal notification to an employee to address minor conduct or performance concerns. The discussion should include the specific areas of unsatisfactory conduct or performance, how the employee is expected to correct his/her conduct or performance and the timeframe for doing so. A written summary of the meeting is provided to the employee following the discussion.

Formal Disciplinary Action:

Letter of Reprimand: A written reprimand is a formal notification to an employee that there is cause for dissatisfaction with the employee's job performance and/or conduct.

Demotion: Disciplinary demotion is the movement of an employee from one position to another position with a lower salary grade.

Suspension without Pay: The temporary separation of an employee from City service without compensation. Suspension for exempt employees is administered in accordance with current federal law under the Fair Labor Standards Act. Suspension without pay shall not exceed 30 calendar days.

Termination of Employment: Termination is the discharge for cause of an employee from City Service.

To the extent that any provisions of this Corrective Action Policy conflict with the Peace Officer Bill of Rights (“POBOR”), as set forth in A.R.S. § 38-1102 *et seq.*, the provisions of the POBOR shall control.

SECTION 5: PRE-DISCIPLINARY MEETING

1. Prior to taking any formal disciplinary action, the Department Director or designee will meet with the employee. This meeting is an opportunity for the Department Director to present and discuss with the employee the charges subject to disciplinary action. The following guidelines shall apply to this meeting. The employee shall be provided written notice of the disciplinary charges, as well as the date and time of the meeting, at least 24 hours in advance.
2. The employee may attend the meeting to present an oral or written response to the disciplinary charges; or elect in advance in writing to waive the pre-disciplinary meeting.

During the meeting, the Department Director shall describe the disciplinary charges and any other issues that have bearing on the situation. The employee shall be given the opportunity to respond to the disciplinary charges and to provide any additional information the employee believes to be relevant to the charges.

Following the meeting, the Department Director shall prepare a written record of the meeting, summarizing the charges and responses of the employee.

The employee may have a representative attend the meeting with him/her as an observer. The representative shall be an El Mirage employee and shall not be a supervisor or attorney. In all cases, the representative shall not be allowed to participate in the meeting.

The Department Director may impose discipline at any time after the conclusion of the meeting by providing the employee a written notice of discipline outlining the charges and the basis for the discipline. The notice of discipline shall also explain to the employee their right to appeal as applicable. The Department Director shall not implement a demotion, suspension without pay, or termination of an employee without review and approval of the intended action by the Human Resources Director or Deputy City Manager if the Human Resources Director is not available. The Human Resources Director or Deputy City Manager shall consult with the City's attorney and shall advise the City Manager of the intended action before approving any such action.

SECTION 6: APPEALS FROM TERMINATION, DEMOTION, AND SUSPENSION WITHOUT PAY

This policy provides the rights and procedures for employees to appeal decisions of the Department Director to terminate their employment, demote them to a lower-level position, or to suspend them without pay.

A regular full-time or part-time employee who has completed his/her probationary period may appeal an action resulting in termination, demotion, or unpaid suspension. An employee who fails to complete the probationary period has no right of appeal. An at-will employee does not have the right to appeal under this policy.

Appeals must be filed in writing with the Human Resources Director within 7 calendar days of the employee's receipt of the Notice of Discipline. The appeal shall state in detail the facts upon which the appeal is based, the people and departments involved, and the

remedy requested. Failure to file a written appeal within the time prescribed shall constitute a waiver by the employee of further appeal of the disciplinary action.

The Human Resources Director shall notify the Department Director of the appeal. No answer to the appeal is necessary. However, if the Department Director chooses to file an answer, the Human Resources Director shall make a copy available to the employee.

The City Manager shall appoint a Hearing Officer to hear the appeal. The Hearing Officer shall be a person selected by the City Manager, other than the person who made or approved the decision under review, or a subordinate of that person. The discretion and standard of review for the Hearing Officer shall be to determine whether the City acted in an arbitrary or capricious manner in concluding whether it possessed cause to discipline the employee. The Hearing Officer is empowered to grant or refuse extensions of time, to set procedures for the hearing, to lead the hearing, to take testimony and receive exhibits, and to rule on motions or objections at the hearing.

After conducting the hearing, the Hearing Officer shall prepare and submit to the City Manager and Human Resources Director a report of the testimony and exhibits received at the hearing, the Hearing Officers findings based on the testimony and exhibits, and the Hearing Officer's recommendation(s) relative to the disciplinary action taken by the Department Director. The Hearing Officer shall deliver to the City Manager all records of the hearing including all recordings and transcripts, if any, of the hearing.

The Human Resources Director shall distribute copies of the Hearing Officer's report to the employee and the Department Director. If either the employee or Department Director disagrees with the Hearing Officer's report and/or recommendation(s), the party may submit to the City Manager, within 7 calendar days after receipt of the Hearing Officer's report, a written statement addressing the points with which the party disagrees. The City Manager may adopt the Hearing Officer's report and recommendation in its entirety, may modify it, or may decide the case on the record with or without taking additional evidence. The City Manager shall render his/her decision within 30 calendar days of receipt of the Hearing Officer's report. The City Manager's decision shall be final.

SECTION 7: GRIEVANCES

Overview: The City's grievance procedure provides a process for employees to voice complaints or concerns about specific issues related to their employment with the City. The objective is to improve employee-management relations through a prompt and fair method of resolving issues at the lowest possible level.

The grievance process is to be followed when there is an alleged violation to City policy, City Code, or State or Federal Law. The grievance procedures do not apply to the review of disciplinary action.

Informal Grievance Procedure: Any employee who has a problem or complaint should first try to settle it through discussion with his or her immediate supervisor. This step should be taken without undue delay. If, after this discussion, he or she does not believe the problem has been satisfactorily resolved, he or she shall have the right to discuss it with his or her supervisor's Department Director. Every effort should be made to find an acceptable solution by informal means.

Formal Grievance Procedure: Issues that cannot be resolved through the informal grievance procedure may be taken to the formal procedure. The levels of review in the formal grievance procedure follow the chain of command and are listed below:

First Level of Review: Grievances must be filed as soon as possible after the incident occurs but no later than 30 days from the date of the incident. The grievance shall be presented in writing to the employee's immediate supervisor. The immediate supervisor shall review the grievance and shall render his or her decision and rationale in writing to the employee within 14 calendar days of receiving the grievance.

If the employee does not agree with his or her supervisor's decision, or if no answer has been received within 14 calendar days, the employee may present the grievance in writing to his or her Department Director. Failure of the employee to take further action within 14 calendar days after receipt of this decision will close the grievance.

Next Level of Review: The next level of review shall be to the Department Director. Once the grievance is received, the Department Director shall review the material and conduct the appropriate investigation. He or she shall render his or her decision in writing and shall provide it to the employee within 14 calendar days of receiving the grievance.

If the employee does not agree with the decision, or if no answer has been received within 14 calendar days, he or she may present the grievance in writing to the City Manager or his/her designee. Failure of the employee to take further action within 14 calendar days after the receipt of this decision will close the grievance.

City Manager: The City Manager may designate an investigator to collect information, conduct the investigation, and make recommendations. The investigator may be anyone the City Manager chooses, except the supervisor or Department Director to whom the grievance was previously submitted. The City Manager may also choose to handle the grievance directly.

Once he or she has been appointed, the investigator shall have 30 calendar days to complete the investigation. The investigator shall present his or her findings and recommendations to the City Manager as soon as possible following this 30-calendar day period.

The City Manager may approve or deny the recommendations of the investigator, closing the grievance. The City Manager may also modify the recommendations or direct other actions to investigate the grievance. The decision of the City Manager is final and may not be appealed.

Conduct of Grievance Procedure: The time limits specified above may be extended by mutual agreement of the employee and management. The employee may be allowed to use a reasonable amount of work time to prepare for the grievance. Reasonable shall be defined by the Department Director and shall not unduly disrupt the normal operations of the department.

Once a grievance has been dropped, either through direct action or by inaction, the grievance cannot be reinstated. Once the grievance process has been concluded and a decision has been made by the City Manager, the grievance cannot be reopened.

Employees shall be free from reprisal for using the grievance procedures.

SEPARATING FROM SERVICE

SECTION 1: RESIGNATION

Employees resigning from the City must submit a written notification to their supervisor at least 14 calendar days prior to separation. The written notice should include the effective date of the resignation and reason for leaving. An employee's failure to adhere to the required resignation period will be deemed as not having left in good standing and not eligible for rehire.

If an employee leaves City service and subsequently returns to City service, the employee will be treated like a new hire in all aspects of employment, leave, and benefits except as specifically required by law, or as otherwise approved by the City Manager.

Supervisors receiving resignations or other communication from an employee indicating the intent to resign shall immediately provide their chain of command and Human Resources with such communication.

Employees who resign will generally be permitted to work and/or use available leave with supervisor authorization after providing notice of resignation. When use of leave is approved, the employee may be required to physically be at work on the last day of employment. The City may, at its discretion, release the employee from daily assignments at any time after receiving the notice of resignation and instead require the employee be available by phone during normal work hours. In such case, the employee will be paid for the regularly scheduled (non-overtime) hours that the employee normally would have worked, and the employee will not be required to physically report on the final day of employment.

SECTION 2: RETIREMENT

Service retirement is voluntary termination after having satisfied the employment requirements of applicable retirement system procedures.

Employees who are retiring are expected to give written notice to their supervisor of their intention to retire as far in advance as possible but no less than 14 calendar days prior to their retirement date.

Supervisors receiving notice of retirement shall immediately provide their chain of command and Human Resources with such communication.

SECTION 3: JOB ABANDONMENT

Absent extraordinary circumstances, employees who are absent from work without approved leave for two consecutive work shifts will be deemed to have abandoned their positions (resigned). Employees who abandon their employment under this section cannot grieve or appeal the separation from service.

Supervisors shall notify the Department Director who in turn shall notify Human Resources when an employee fails to report for duty without approved leave no later than the end of the second consecutive work shift.

SECTION 4: REDUCTION IN FORCE

A reduction in force (RIF) is a reduction in the number of regular employees in a classification in a department or division.

A RIF may occur due to change in duties, reorganization, lack of funds, reduced demand for services, function, and programs, contractual or technological changes, or other reasons as determined by the City Manager. Reductions in force are to be made without interruption to essential services and in the best interest of the public health and

welfare. If a reduction in force is recommended by the City Manager, a RIF plan will be developed by the affected Department Director(s) which will include the positions, number of positions, effective dates, and all other applicable information to determine and carryout the plan. The RIF plan will be subject to review and recommendation of the Human Resources Director and the City Attorney and approved by the City Manager.

Affected employees shall be given as much advance notice as conditions permit. Employees who are terminated due to a RIF do not have the right to appeal their termination but shall be given an opportunity to meet pre-termination with the Department Director and Human Resources Director to explain why the employee feels he/she should not be laid off.

The order of a RIF of employees will be determined based on various factors including their qualifications and skills, performance evaluations, overall employment record including disciplinary actions, and length of continuous service.

Employees who are being terminated due to a RIF, prior to the effective date of the removal from the position, will be given priority placement into a lower classification or in the same classification in which they meet the minimum qualifications of the job and can perform the essential functions of the job. They may also apply for any vacancy that may result in a promotion and will be subject to all regular hiring practices.

Placement will be based on factors including their qualifications, skills and relative suitability for the jobs that remain, performance evaluations, overall employment record including disciplinary actions, and length of continuous service.

Laid off employees shall be placed on a recall list for one year. The City Manager shall determine when and for what reasons a position reduced because of a RIF will be restored and filled. A position is restored if the position is in the same classification and in the same department/division as one eliminated during the RIF.

If the City is unable to contact a former employee on a recall list within 7 calendar days, the City's obligation to recall the former employee shall cease. Should the former

employee not return to work when recalled, the City shall have no further obligation to recall him or her.

SECTION 5: INVOLUNTARY TERMINATION

Involuntary termination is the dismissal of an employee by the City.

An employee who is at will and employed at the convenience of the City may be terminated at any time, with or without cause, and without appeal rights. This includes positions appointed by the City Council, employees in their probationary period, temporary, and on-call employees.

Termination of employment for cause is the discharge of a classified employee from City service. The classified employee who is terminated for cause will receive a written notice listing the specific conduct, issues, performance or policy violations, and the effective date and appeal rights, if any. Terminations for cause will follow the procedures in Corrective Action, [Pre-Disciplinary Meeting](#) policy.

SECTION 6: EXIT PROCESS

Employees are required to turn in all City property on their last day of employment.

Human Resources will schedule a meeting with full-time and part-time employees prior to their last day to complete an exit interview. The exit interview gives the employee an opportunity to provide reasons for separation as well as opinions and recommendations for improvements. The information received is reviewed by Human Resources. Summary reports may be periodically provided to Department Directors and/or the City Manager to identify areas that may need to be addressed.

SECTION 7: PAYMENT OF FINAL WAGES

Separating employees will be paid in accordance with all applicable laws for all time worked to date of separation minus any monies owed to the City in accordance with applicable laws.

Employees who are involuntary terminated will be paid within 7 business days, or at the end of the next regular pay period, whichever is sooner. All other separating employees will receive their final pay on the next normal payday after separation unless otherwise notified by Human Resources.

SECTION 8: PAYMENT OF BENEFITS

Employees separating from service with the City are eligible for payment of the following benefits with their final pay:

- **Compensatory Time:** Non-exempt employees will be paid at separation for all accrued and unused compensatory time at the employee's final rate of pay.
- **Vacation:** Employees separating from service will be paid at separation for all earned and unused vacation at the employee's final regular rate of pay. Generally, an employee shall accrue vacation for their final pay period upon completion of one (regularly scheduled) workweek in the pay period.