

1-10. GENERAL PROVISIONS

1-10-010.01. GENERAL DEFINITIONS (RENUMBERED)

General Definitions apply to the entire Employee Handbook of Regulations; however, if there is a conflicting specific definition found within a section, then the specific definition will apply to that section.

“Benefit Eligible Employees” are employees who are tenure eligible, tenure granted and Exempt employee who works twenty (20) hours or more per week.

“Classified Employees” shall have the same meaning as Non-Exempt employees.

“Commissioned” means the employee is an active member of the Public Safety Retirement System and the City Police or Fire Department.

“Date of hire” means the date when employment with the City commences.

“Domestic Partner” shall mean a person registered as a domestic partner under the laws of any state or political subdivision, including Flagstaff City Code, Chapter 14-01 (Domestic Partner Registry) for purposes related to leave policies.

“Earned Paid Sick Time” shall mean time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by City to the employee for the purposes described in A.R.S. § 23-373 and incorporated in this Handbook. Earned Paid Sick Time may be referred to as “accrued sick leave”, “paid sick leave”, or “unused sick leave” in some places in the Handbook.

“Emergency Service Employees” shall be a non-exempt employee who holds a position in Fire, Police, Streets, Fleet Services, Airport, Water Reclamation and Water Plants, Water Distribution and Wastewater Collection, Industrial WastePre-Treatment, Parks, Facilities Maintenance, Building Inspection, or other positions designated by the Division Director and approved by the Deputy City Manager.

“Exempt Employees” are employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA).

“Family Member” shall have the same meaning as set forth in A.R.S. § 23-371.H and means:

1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a Domestic Partner, a child to whom the employee stands in Loco Parentis, or an individual to whom the employee stood in Loco Parentis when the individual was a minor;

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2. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or Domestic Partner or a person who stood in Loco Parentis when the employee or employee's spouse or Domestic Partner was a minor child;
3. A person to whom the employee is legally married under the laws of any state, or a Domestic Partner of an employee as registered under the laws of any state or political subdivision;
4. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or Domestic Partner; or
5. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

"Fire Suppression Employees" are Commissioned, Non-Exempt employees who engage in fire protection activities as defined by the Fair Labor Standards Act 29 U.S.C. § 203(y) and who work over ninety-one (91) hours in a twelve (12) day work period.

"Full-Time" is considered forty (40) hours per week.

"Hours Worked" is time when an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place per the Fair Labor Standards Act Fact Sheet #22.

"Injury, Illness, or Medical Care" shall mean a physical illness, injury or health condition; the need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or a need for preventive medical care.

"In Loco Parentis" is defined as a person who helped raise and had day-to-day responsibilities to care for and financially support the employee as a child, assuming the role of a parent.

"Intermittent Leave" is leave in separate blocks of time.

"Key Employee" is defined as a salaried, Benefit Eligible Employee who is among the highest paid ten (10) percent of all the employees working for the employer within seventy-five (75) miles of the employee's worksite.

"Light Duty" means an employee is able to perform restricted duties and/or schedule per the employee's treating physician. Light duty may include telecommuting or other types of alternate work schedules per policy 1-20-053.

"Non-Exempt Employees" are employees who are paid wages subject to the overtime pay requirements of the Fair Labor Standards Act.

"Part-Time" is considered twenty (20) hours to thirty-nine (39) hours per week.

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“Reduced Scheduled” is a reduced number of hours in the employee’s usual weekly or daily work schedule.

“Regular Hourly Rate” is the employee’s total straight time earnings divided by the number of hours worked.

“Shift Employees” are employees assigned to a position which is staffed at least six (6) days a week, or twenty-four (24) hours a day, and is assigned a designated work schedule that can be either rotating or permanently assigned.

“Temporary Employees” are employees hired by the City for a temporary period and who work less than 20 hours per week. Temporary Employees are not classified as Benefit Eligible Employees

“Tenured Employees” are Non-Exempt employees who have completed their probationary period.

“Unclassified Employees” shall have the same meaning as Exempt employees.

“Work Week” shall begin on Sunday morning at 12:01 a.m. and end the following Saturday at midnight for all employees.

“Working Day” shall be considered equal to 0.38461 percent of the number of working or duty hours in the established work year for each employee (i.e. $2080 \times 0.38461\% = 7.99$ or 8 and $2912 \times 0.38461\% = 11.19$ or 11.2).

(Ord. No. 2013-09, Amended 05/07/13); (Ord. No. 2017-12, Amended 07/01/17); (Ord. No. 2018-18, Amended 06/15/18); (Ord. No. 2018-26, Amended 09/20/18); (Ord. No. 2018-35, Amended 11/06/18)

1-10-022. GRIEVANCE PROCEDURE

Any alleged violation of a specific City provision is subject to review through the grievance procedure, excluding dismissal, demotion and suspension of ten (10) days or more. Dismissal, demotion and suspension of ten (10) days or more are covered by section 1-10-040 Personnel Board.

Employees are encouraged to first discuss an alleged policy violation with their immediate supervisor, as appropriate, before filing a grievance. If the alleged policy violation involves the employee’s immediate supervisor or is not resolved with the immediate supervisor, the employee may approach the next level of supervision up to the Division Director without formally filing a grievance in writing. These informal discussions shall not be deemed a grievance.

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Once an alleged policy violation is submitted in writing it is considered a grievance.

The time limits specified in the grievance process may be waived at any time by mutual consent of the parties. A grievance may be terminated at any time in the process with a signed written request from the employee.

A. FILING PROCESS

- a. An employee initiates the grievance process by submitting the alleged violation in writing to their immediate supervisor. The grievance must be initiated within twenty (20) calendar days of the incident that gave rise to the grievance.
- b. The grievance shall be signed by the employee, and must include the following information:
 - i. A clear and concise statement of the alleged policy violation and the facts upon which it is based;
 - ii. The section(s) of the City of Flagstaff Employee Handbook of Regulations or other City policy that was violated; and
 - iii. The remedy requested.

B. RESPONSE PROCESS

1. The supervisor shall notify the Section Head, Division Director and Human Resources Director or designee of the grievance and consult with these parties before their response.
2. The supervisor may meet with the employee prior to the response in order to seek clarification.
3. The response to a grievance shall be in writing, signed by the supervisor, and include the following information:
 - a. A clear and concise response to the grievance and the facts upon which it is based;
 - b. The section(s) of the City of Flagstaff Employee Handbook of Regulations or other City policy which apply to the grievance and basis for the decision; and
 - c. Denial or acceptance of the proposed remedy or alternative. The supervisor shall include information regarding the next steps in the process, if denying the remedy or alternative.

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4. The supervisor shall meet with the employee to discuss the grievance response within five (5) working days after the grievance is initiated.

C. APPEAL PROCESS

- G. After receiving the written response from the supervisor, if the employee does not feel the grievance is satisfactorily resolved, the employee may file an appeal with the next level of supervision within five (5) working days in writing and shall include the reason for the appeal and why the previous response was unsatisfactory.

- H. The next level of supervision shall discuss the grievance with the employee within five (5) working days, gather information from others involved or having information pertinent to the issue, and then shall provide a written response to all parties within five (5) working days of the meeting. This appeal process will continue through the chain of command to the City Manager.

1. At each succeeding step the employee shall state in writing the reason for his or her appeal and why the previous response was unsatisfactory.
2. At each succeeding step the supervisor or manager shall respond in writing to the grievance stating the reason and basis for the decision that was rendered.
3. The decision of the City Manager's office is final. The Deputy City Manager and City Manager will consult and provide the final ruling.

3. All grievance documents should be forwarded to the Human Resources office for record retention.

(Ord. No. 2012-14, Amended, 10/02/12)

1-10-070. EMPLOYEE ADVISORY COMMITTEE

Note: This section of the Employee Handbook of Regulations is copied from Section 1-14-0001-0006 of the Flagstaff City Code. In order to ensure consistency, numbering and formatting of this section matches Section 1-14-001-0006.

1-14-001-0006 EMPLOYEE ADVISORY COMMITTEE

The Employee Advisory Committee (EAC) is hereby established.

1-14-001-0006.1 Definitions

- A. "Regular Member" is an eligible employee elected to serve on behalf of that employee's respective group.

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- B. "Alternate Member" is an eligible employee elected to serve on the EAC when the Regular Member is unable to attend.
- C. "Eligible Employee" is defined as any full-time tenured or exempt employee not identified as an "Ineligible Employee."
- D. "Ineligible Employee" is defined as any employee appointed, or Deputy City Managers, Division Directors, Section Heads, Human Resources personnel, probationary, part-time or temporary employees.

1-14-001-0006.2 Mission Statement

The mission of the EAC is to form a body of elected members and alternates to represent individual employees, groups of employees, and divisions of the City of Flagstaff with fairness and impartiality.

1-14-001-0006.3 Purpose

The purpose of the EAC is to foster ongoing employee-employer relations by providing a process and forum for employees to recommend changes to the City Manager concerning employment-related policies and procedures, safety, compensation and benefits. The EAC does not make recommendations regarding hiring, employee discipline, promotions, demotions, transfers, voluntary reassignments, suspensions, or dismissal.

The EAC is a body of elected members and alternates established for the purpose of discussing and making recommendations based on the requests received from individual employees, groups of employees and the City of Flagstaff with fairness and impartiality. The EAC is an advisory committee and does not represent individual employees with regard to an individual's personnel issues.

Individual employment issues affecting any employee shall be processed through any of the City's established grievance or appeal procedures. Employees are encouraged to resolve any issue or employment-related concern through the established administrative procedures.

1-14-001-0006.4 Objectives

The objectives of the EAC are to:

- A. Work together in the spirit of trust and cooperation in an attempt to reach consensus on matters under discussion.

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- B. Review and recommend to the City Manager any initiatives or changes to City's policies and procedures which are related to employment, safety, compensation, or benefits prior to submission to the City Council for consideration.
- C. Provide a forum for employees to discuss City-wide employee issues as they pertain to employment-related policies and procedures, safety, compensation and benefits.
- D. Ensure that each member attends EAC meetings and regularly communicates with the employees in the EAC member's group.
- E. Attend, participate and/or provide input and recommendations at City Council budget meetings.
- F. Respond to City Manager questions or concerns.

1-14-001-0006.5 Structure

- A. The Employee Advisory Committee shall consist of the following members, by group, excluding ineligible employees except for the Human Resources Director, or designee, who shall serve as a non-voting member, and shall provide information to the EAC as needed:
 - 1. Administrative Services - (City Manager's Office, Legal, Human Resources, Risk Management, and City Clerk's Office, ~~Real Estate, and Information Technology~~) - one (1) member
 - 2. Management Services - (Finance, Revenue, ~~and~~ Purchasing, and Information Technology) - ~~one~~ two (2) members
 - 3. Police - (Commissioned two members and Non-Commissioned one member) - three (3) members
 - 4. Fire - two (2) members
 - 5. Public Works - (Public Works Administration, Solid Waste, Streets, Parks and Recreation, Fleet, Facility Maintenance, Environmental Management, and Sustainability) - three (3) members
 - 6. Community Development - (Planning & Development, Housing, ~~and~~ Engineering, and Real Estate) - two (2) members
 - 7. Water Services - two (2) members
 - 8. City Court - one (1) member

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9. Economic Vitality - (Convention & Visitors Bureau, Airport, Community Investment, and Library) - two (2) members
 10. The Human Resources Director, or designee, is a permanent, non-voting member.
- B. Each group will be assigned a number of members based on the number of tenured, tenure-eligible and exempt employees.
1. A group with less than 50 employees is assigned one (1) EAC member.
 2. A group with 50 to 100 employees is assigned two (2) EAC members.
 3. A group with more than 100 employees is assigned three (3) EAC members.
- C. The number of members per group will be evaluated each year and may be reviewed by EAC at other times as required.
1. If the number of members is too high at the time of the election, the regular and alternate members at the end of their term or at the time of resignation will be removed.
 2. If the number of members is too low at the time of the election, the appropriate number of regular and alternate members will be added.
- D. Members and alternate members will serve a two (2) year term. Memberships will be staggered.
- E. There will be an equal number of regular and alternate members.
- F. Alternate members are encouraged to attend all meetings; however, alternate members shall only vote when filling in for the regular member.
- G. There will be two co-chairs who will serve a one (1) year term. Alternate members are not eligible to serve as co-chair.
- H. Any member of the EAC shall not act independently on behalf of EAC without prior approval of an EAC majority vote.

1-14-001-0006.6 Elections and Membership

- A. City-wide elections for membership shall be held annually, by July 15, with terms starting during the first meeting in August.

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1. Eligible employees shall nominate regular and alternate members who will also be eligible employees as defined in this Chapter.
 2. The eligible employee with the most votes will become the regular member and the employee with the next highest will become the alternate member. In the event of a tie, a ballot will be sent out to the division for a formal vote.
- B. Elections for special appointments will be conducted during the second meeting in August.
1. Election of two co-chairs.
 2. Elect an EAC member to take minutes of the meetings, with a back-up and/or rotation as deemed necessary.
 3. Elect an EAC member to attend Budget Committee meetings, when the Budget Committee is discussing any benefit and compensation issues and during the add-back and delete portion of the budget, in an ongoing effort to foster better communication and understanding.
 4. Elect two (2) EAC members to attend the Compensation Committee meetings.
 5. EAC members may also be elected to serve on special committees or task forces concerning employment-related policies and procedures, safety, compensation and benefits.
- C. Newly elected regular and alternate members shall attend an orientation meeting with a co-chair and/or the Human Resources Director after annual elections between August and November.

1-14-001-0006.7 Resignation or Removal

- A. EAC members who want to resign from service shall submit their requests in writing to the two co-chairs and the Human Resources Director.
- B. When a regular member resigns from service an election will be held and the newly elected member will serve a two (2) year term from the time of the election.
- C. If the resigning member is a co-chair, a special election for the appointment of a new co-chair will take place and the newly elected co-chair will finish out the one (1) year term of the previous co-chair.
- D. Members with three (3) consecutive unexcused absences may be removed by a majority vote of the EAC.

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- E. If an employee from a group desires to remove the current EAC member, they must follow criteria listed:
1. Submit a formal complaint in writing explaining the reason for the request to remove the current EAC member to the Human Resources Director.
 - a. The complaint may only be filed from the EAC member's group.
 - b. Human Resources will relay the complaint information to the current co-chairs.
 - c. The co-chair will recuse himself or herself from the process, if the complaint is about them or another EAC member from the same group.
 - d. The co-chairs will speak with the EAC member about the complaint to obtain additional information.
 - e. The EAC co-chairs, with assistance from the Human Resources Director, may evaluate the information obtained through discussions with the complainant and the EAC member to substantiate the complaint.
 - i. If unable to substantiate the complaint, the EAC co-chairs will reply to the complainant.
 - ii. If able to substantiate the complaint, the process will continue.
 2. There will be a two (2) month period to allow for the EAC member to address the area(s) of concern.
 3. The co-chairs will contact the complainant to review any improvements.
 - a. If there have been improvements, the co-chairs will provide a written response to the complainant closing the complaint.
 - b. If there have been no improvements and the complainant is still dissatisfied, a second complaint will be filed by the co-chairs.
 4. If a second complaint is received, the co-chairs, with the assistance of Human Resources, will hold an election to remove the EAC member.
 - a. The election must have fifty percent (50%) plus one (1) votes of the EAC member's group for the election to be valid.

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- b. If the election does not receive enough votes to be considered valid, the EAC member will continue his or her term.
- c. If the election does receive enough votes and the majority of employees in the EAC member's group votes to keep the EAC member, then the EAC member will continue his or her term.
- d. If the election does receive enough votes and the majority of employees in the EAC member's group votes to remove the EAC member, then the EAC member will not continue his or her term and another election will be held to select another EAC member to serve a two (2) year term from the time of the election.

1-14-001-0006.8 Meetings

- A. Meetings of the City EAC shall be held twice per month, or less frequently if approved by a majority vote of the EAC. Dates and times will be determined by the majority vote of the EAC.
- B. Special meetings, when required, may be called by the co-chair(s) without a majority vote of the EAC.
- C. Regular members shall notify the appropriate group alternate member and the EAC co-chairs, in a timely manner, when they are unable to attend a meeting.
- D. Co-chairs may request a meeting with the City Manager as needed, or on a regular basis.
- E. When the EAC co-chairs have brought an issue to the attention of the City Manager and the issue is not resolved to the satisfaction of the EAC, a co-chair or EAC designee may address the City Council at a public meeting to review the issue, upon recommendation and majority vote of the EAC.
- F. All votes regarding recommendations must be approved by a majority vote of the quorum. A quorum shall be one more than half of the voting membership of the EAC.
- G. All votes that are not unanimous shall result in a roll call vote and will be recorded into the meeting minutes.
- H. Employees, including ineligible employees, desiring an item to be discussed by the EAC shall contact their group's regular member or any regular EAC member to place the item on the EAC's agenda.

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1. Employees may request to keep their names confidential and it will not be part of the EAC's discussion.
 2. An employee with an item on the EAC agenda shall be notified by a co-chair of the meeting time and date. Time in attendance at EAC meetings shall constitute hours worked.
- I. The City Manager may contact an EAC co-chair to place an item on the EAC agenda.

1-14-001-0006.9 Notice and Procedures for Meetings

- A. The EAC agenda will be posted on the internal City of Flagstaff EAC website and at locations approved by the EAC at least twenty-four (24) hours prior to the meeting date and time by EAC members for the group they represent.
- B. EAC meeting minutes will be posted on the EAC website and at the approved locations within five (5) calendar days after approval, and emailed to all EAC regular and alternate members.
- C. The EAC may adopt procedures for governance of the Committee's meetings.

1-14-001-0006.10 Subcommittees

Subcommittees may be formed to address specific EAC issues to bring to the full EAC for input and approval. Subcommittees are encouraged to meet for one (1) hour, two (2) times per month, and the cessation of the subcommittee will occur once the issue is voted on by the full EAC. Each subcommittee, at its own discretion, or the City Manager, may ask non-EAC members to participate.

1-14-001-0006.11 Attendance and Hours Worked

- A. EAC members shall attend EAC meetings, utilizing City time to the degree necessary to conduct EAC business, and such time shall be considered hours worked.
- B. Employees who are not members of the EAC, including subcommittee members, may attend EAC meetings or subcommittee meetings during regular work hours for up to four (4) hours per month, with written approval of their immediate supervisors, and such time shall be hours worked.
- C. An employee may attend EAC meetings, during non-working hours, and such time shall not be hours worked.

- D. The EAC may choose a member to attend the portion of the Leadership meetings when EAC agenda items are scheduled for discussion or upon request of the City Manager, and such time shall be hours worked.
- E. The EAC, City Manager, or Human Resources Director may invite any person to attend EAC meetings, and the employee's time shall be considered hours worked.

(Ord. No. 2014-32, Amended, 01/06/15); (Ord. No. 2010-33, Amended, 02/15/11); (Ord. No. 2018-18, Amended, 06/15/18); (Ord. No. 2018-36, Amended, 11/06/18)

1-30. EMPLOYMENT

1-30-061. PERFORMANCE EVALUATION SYSTEM

The performance evaluation system enables the creation of reasonable performance expectations by the supervisor and the employee. The formal evaluations of the employee's work behavior helps the employer and the employee build on the strengths of the employee and identify those areas the employee needs improvement to be more effective and efficient in their job.

A. EVALUATION PROCESS

1. The supervisor will prepare the evaluation based on the review of the following items:

- a. A comparison of the employee's performance with the performance expectations established upon the employee's date of hire or the previous year's evaluation;
- b. The duties and responsibilities of the employee's position; and
- c. Supervisory notes taken during the evaluation period.

2. The supervisor's evaluation should be based on an employee's actual performance and not on personal prejudice, bias or favoritism.

~~3. The supervisor will notify the employee of their evaluation meeting at least one (1) week in advance.~~

4.3. The online evaluation system, or the supervisor, will ~~request-notify~~ the employee to login to the online evaluation system and complete the pre-review input section of the evaluation form. This allows the employee an opportunity to present his or her accomplishments for the year and assist the supervisor in completing the performance evaluation.

5.4. The supervisor will meet with the employee to review the performance evaluation. The supervisor will discuss the employee's strengths, areas of improvement with suggestions for improvement and expectations and goals for the upcoming year.

6. ~~Any evaluations completed by a supervisor and signed by the employee will be filed in the employee's personnel file. If the employee refuses to sign the supervisor will write "employee refused to sign" and the evaluation will be filed in the employee's personnel file.~~ An employee will login to the online evaluation system, select agree or disagree with evaluation rating, provide a written statement and electronically sign the evaluation. The evaluation will be retained in the online evaluation system.
7. ~~An employee may attach a written statement to any evaluation to be placed in their 201 file.~~

B. PROBATIONARY EVALUATION

1. All non-exempt employees will be evaluated during their probationary period to ensure satisfactory performance based on the following schedule:
 - a. A non-commissioned non-exempt employee shall be evaluated at three and six months from their date of hire.
 - b. A non-exempt employee of the Municipal Court shall be evaluated at four, eight and twelve months from their date of hire.
 - c. A non-commissioned non-exempt Police Department employee working in the Communications Center shall be evaluated at six and twelve months from their date of hire.
 - d. A commissioned non-exempt employee of the Fire Department shall be evaluated at three, six, nine and twelve months from their date of hire.
 - e. A commissioned non-exempt employee of the Police Department shall be evaluated at ~~three, six, nine and twelve months from their date of hire.~~ Except Police Officers who shall be evaluated at three, six, nine and twelve months after their completion of the Field Training Officer (FTO) Program.
2. The probationary evaluation schedule may be extended up to six months by completing the following process:
 - a. The supervisor submits a request in writing outlining the reason for and length of the probationary period extension and the request is approved

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by the Section Head, Division Director, Deputy City Manager and Human Resources Director prior to the end of the probationary period.

- b. The supervisor notifies the employee in writing the probationary period has been extended and the employee acknowledges by signing the written document.
 - c. The employee acknowledgement is filed in the employee's personnel file.
 - d. Another performance evaluation is completed before the end of the extended probationary period.
3. An employee is deemed to have satisfactorily completed the probationary period when an extension is not requested prior to the end of the probationary period.
 4. An employee who does not perform satisfactorily during the probationary evaluation period may be discharged per section 1-40-022 Dismissals of Probationary Employees.
 5. Exempt employees do not serve a probationary period; thus, a probationary evaluation is not required.

C. ANNUAL EVALUATION

1. After an employee has completed the probationary evaluation or administrative evaluation period, the rating period shall be annually upon the employee's hire or classification date.
2. Exempt evaluations shall be completed by July 1st of each year upon the employee's anniversary or classification date.
3. Upon budgetary approval non-exempt and exempt employees with an overall evaluation score of five (5) meets expectations or above will receive a merit increase, except when the employee is at the maximum of the pay range. ~~A non-exempt pay merit increase is movement to the next step in the pay range. An exempt merit increase is equal to 3.2% of the employee's current salary.~~
4. Council appointed employee evaluations shall be completed on the anniversary of and prior to the end of the service agreement.
5. Additional evaluations may be required upon request from the immediate supervisor.

D. ADMINISTRATIVE EVALUATION

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1. Non-exempt and exempt employees who are promoted, demoted, transferred, or voluntarily reassigned to another position are subject to an administrative evaluation based on the following schedule:
 - a. A non-commissioned non-exempt or exempt employee shall be evaluated at three and six months from their date of promotion, demotion, transfer, or voluntary reassignment to another position.
 - b. A non-exempt or exempt employee of the Municipal Court shall be evaluated at four, eight and twelve months from their date of promotion, demotion, transfer or voluntary reassignment to another position.
 - c. A non-exempt or exempt Police Department employee working in the Communications Center shall be evaluated at six and twelve months from their promotion, demotion, transfer, or voluntary reassignment to another position.
 - d. A non-exempt or exempt commissioned Fire Department employee shall be evaluated at three, six, nine and twelve months from their date of promotion, demotion, transfer, or voluntary reassignment to another position.
 - e. A commissioned non-exempt or exempt employee in the Police Department shall be evaluated at ~~three, six, nine~~ and twelve months from their date of promotion, demotion, transfer or voluntary reassignment to another position.
2. An employee who does not perform satisfactorily during the administrative evaluation period may be returned to their previous position, provided a vacancy exists. Should no vacancy exist at the time, the employee shall be recommended for termination. The employee is eligible to request a hearing before the Personnel Board per section 1-10-40.C Personnel Board Request for Hearing.
3. Additional administrative evaluations may be required upon request from the immediate supervisor.

(Ord. No. 2012-14, Amended, 10/02/12)

1-50. LEAVE

1-50-039. PURCHASE DAY PROGRAM

Benefit Eligible Employees may purchase additional paid time off by participating in the purchase day program.

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A. DEFINITIONS

“Purchase Days” are paid time off the employee may purchase through a pre-tax payroll deduction. A Purchase Day is equal to one (1) Working Day.

B. ELIGIBILITY

1. A Full-Time Benefit Eligible Employee may purchase up to ten (10) Purchase Days per fiscal year after completing six (6) months of continuous service, if a timely request is submitted.
2. Employees may not purchase partial Purchase Days.
3. Employees may use Purchase Days in fifteen (15) minute increments.

C. PROCEDURE

1. Employees must submit a request to participate ~~between May 1st and May 31st~~during the annual open enrollment period in order to be eligible to participate the following fiscal year. Employees must re-elect each fiscal year to participate in the purchase day program.
2. The Benefit Eligible Employee may request to participate in the purchase day program by submitting a Purchase Day Program Request form to the employee’s immediate supervisor, Section Head, Division Director, Deputy City Manager, Human Resources Director or designee and City Manager or designee.
3. Human Resources will notify the employee of the final approval and the cost of the paid time off the employee wishes to purchase. The cost is based on the employee’s current hourly rate of pay times the number of Purchase Days at the time of the request. The total purchase amount is then divided by twenty-four (24) pay periods over the fiscal year.
 - a. In the event the employee’s salary or hourly rate changes during the fiscal year, the cost of the Purchase Days shall not be adjusted.
 - b. The cost may not jeopardize an employee’s minimum wage earnings.
4. The deductions will be pre-tax from the employee’s paycheck per Section 125 under the Internal Revenue Service code.
 - a. The pre-tax election may not be changed during the fiscal year.

b. The employee must use all accrued vacation prior to being eligible to use any Purchase Day(s).

c. When the Purchase Day (or approved increments) are used, the cost will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.

5. Purchase Days must be used within the fiscal year by June 30th or they will be forfeited.
6. Employees wishing to utilize Purchase Days must request and obtain approval in advance. The supervisor is responsible for authorizing and scheduling employee time off requests while balancing the work program, and may deny use of Purchase Days if not requested sufficient time in advance.
7. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's Purchase Day leave through the City's payroll procedures.
8. Purchase Days are paid at the employee's regular pay rate excluding any type of additional pay.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees who leave City service will receive a refund for any Purchase Days not used, which will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.
2. Employees who leave City service and who have used Purchase Days not yet paid for will pay for the amount owed from their last paycheck. The last paycheck will show the cost deducted. Any balance not deducted from the employee's last paycheck will be paid to the City within six (6) months after leaving the City's employment. After six (6) months, any unpaid balances will be forwarded to collection and the employee will be responsible for the cost of the collection, including any attorney fees and court costs.

Form(s): [Purchase Day Program Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13)

ARTICLE 1-60. EMPLOYEE RESPONSIBILITIES AND LIMITATIONS

1-60-015. USE OF CITY VEHICLES

This policy and procedure govern the use of City owned vehicles and outlines the circumstances for which employees may take City vehicles home.

ADDENDUM 18 OF THE EMPLOYEE HANDBOOK OF REGULATIONS

A. ELIGIBILITY

City owned vehicles are provided to the employee for business use. Under certain circumstances employees are required to commute in City owned vehicles, which are equipped with communications or other equipment the employee would need if responding to an emergency. Employees are allowed to take home a City owned vehicle at the discretion of the City and it is considered a privilege. The following criteria will be used for requiring employees to commute in City owned vehicles:

- a. The employee responds to emergencies, with written approval of the immediate Supervisor, Section Head, Division Director, Deputy City Manager and City Manager, or
- b. The employee is required to report from home to either a non-City owned work site, or a City owned site other than the employee's normal work base, with written approval of the immediate Supervisor, Section Head and Division Director, Deputy City Manager and City Manager, or
- c. The employee is required to be on-call or call-out during off hours and is called out on a regular basis. The employee must be required to respond directly to the emergency and the vehicle contains special equipment that will be needed at the emergency scene. For definition purposes "regular basis" is defined as an average of more than twice per month.

B. AUTHORIZED USE

For those employees authorized to take City vehicles home, the following is the City's policy governing usage.

1. Employees must live within a twelve (12) mile radius from City Hall. In addition to the 12-mile radius from City Hall an employee may reside with the following additions:
 1. From I-17 and I-40 interchange eastbound for thirty-five (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor;
 2. From I-17 and I-40 interchange westbound for thirty-five (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor;
 3. From I-17 and I-40 interchange southbound for thirty (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor; or
 4. Or ten (10) miles from City Hall along Highway 180 North with a five (5) mile wide corridor (two and half (2.5) miles on each side).

The five (5) mile wide corridor is designed to limit the number of secondary roads the employee would use to access the main freeway.

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2. The Fleet Manager will approve the type of vehicle to insure it is appropriate for the designated use by the employee.
3. Employees must complete a Vehicle Use Authorization Form, approved by the immediate Supervisor, Section Head, Division Director, Deputy City Manager, Fleet Manager and City Manager.
4. City vehicles can only be operated by authorized City personnel or personnel approved through an IGA.
5. Personal use for commuting to and from work will be valued at \$1.50 for each one-way commute. If more than one employee commutes in the vehicle, the \$1.50 each-way rule applies to each employee. The commuting rule does not apply to qualified non-personal use vehicles such as:
 - a. clearly marked police and fire vehicles;
 - b. unmarked vehicles used by law enforcement officers if the use is officially authorized;
 - c. truck with permanent interior construction, shelves and racks designed to carry tools, equipment, etc.; or
 - d. truck with a hydraulic lift gate, permanent tanks or drums, permanent sideboards or panels that materially raise the sides of the truck bed, or other heavy equipment (electric generator, welder, boom, or crane).
6. City owned vehicles are not to be used to transport anyone other than City employees or people working with or for the City in an official capacity. Employees who are using the City owned vehicle outside of their scope of employment ~~will may~~ not be covered by the City's auto liability insurance ~~or and~~ will not be covered by the City's wWorker's eCompensation insurance. The only time an employee is covered under the City's Worker's Compensation insurance ~~policyies~~ is when acting ~~under-in~~ the course and scope of their employment. Employee's personal use of City vehicles is restricted to driving to and from work, except for infrequent, de minimus (one day per month) or emergency occurrences. Employees responding to emergency incidents must let any non-City personnel out of the vehicle prior to responding to a work-related emergency. The non-City personnel must then make other transportation arrangements.
7. The City's liability insurance may not cover or defend an employee when liability arises out of the personal use of a City vehicle. In conjunction with this, the employee's personal auto insurance may also not cover any liability arising out of the use of any vehicle provided for the employee's regular use. There is no automobile medical payments coverage on City vehicles. Medical coverage for an

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employee hurt in a vehicle on City business is covered under the City's Worker's Compensation policy; however, if using a City vehicle for personal uses, an employee may not be covered by Worker's Compensation and may have to apply for the coverage under their own personal City provided medical coverage. Likewise, a passenger that is not covered by their own Worker's Compensation policy will have to pay for their own injuries or prove that the City of Flagstaff was legally liable for any injuries.

8. Employee misconduct, misuse of assigned vehicle, or any violations of this policy are grounds for disciplinary action.

C. MONITORING

1. Employees will submit a monthly vehicle log for all City vehicles that do not qualify as a non-personal use vehicle in order to monitor how the City owned vehicle is being used.
2. Use of a qualified non-personal use vehicle, including commuting, is nontaxable to the employee; and record keeping and substantiation by the employee are not required by the IRS per Reg. § 1.274-5T(k) and § 1.132-5(h).

D. PROCEDURES

1. Fleet division sends the City Manager a list of City employees assigned to City owned vehicles on an annual basis.
2. City Manager's office sends the list out to Division Directors for updated information.
3. The immediate Supervisor completes new Vehicle Use Authorization forms. This is the first step of the process when a new employee is hired.
4. The immediate Supervisor, Section Head, and Division Director approves or denies the Forms and returns all approved Forms to the City Manager's office.
5. The City Manager's office sends the Forms to the Fleet Manager for review of vehicle type and approval or denial.
6. The Fleet Manager returns all approved forms to the City Manager's office for approval or denial. All Forms denied by the Fleet Manager are sent back to the Division Director.
7. The City Manager forwards all approved forms to the Human Resources Division and all denied forms back to the Division Director.
8. Human Resources files the approved form in the employee's personnel file.

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9. Payroll collects monthly vehicle log and processes applicable taxes.

FORM(S):

Vehicle Use Authorization Form
Monthly Vehicle Log

(Ord. No. 2018-35, Amended, 11/06/18)