

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATING TO GENERAL DEFINITIONS; GRIEVANCE PROCEDURE; EMPLOYEE ADVISORY COMMITTEE; PERFORMANCE EVALUATION SYSTEM; PURCHASE DAY PROGRAM; AND USE OF CITY VEHICLES PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has authority to approve this Addendum 18 of the Flagstaff Employee Handbook of Regulations pursuant to the Flagstaff City Charter, Article IV.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Chapter 1-14, *Personnel System*, is amended by adopting amendments (Addendum 10) to the Employee Handbook of Regulations ("Handbook"), as follows.

The Employee Handbook of Regulations, Section 1-10-010.01, *General Definitions (Renumbered)*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

"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 ~~Waste~~PRE-TREATMENT, Parks, Facilities Maintenance, Building Inspection, or other positions designated by the Division Director and approved by the Deputy City Manager.

The Employee Handbook of Regulations, Section 1-10-022, *Grievance Procedure*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

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.

The Employee Handbook of Regulations, Section 1-10-070, *Employee Advisory Committee*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

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, INFORMATION TECHNOLOGY) - ~~one~~ TWO (42) 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
 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.

The Employee Handbook of Regulations, Section 1-30-061, *Performance Evaluation System*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

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.~~
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.
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.

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.~~

D. ADMINISTRATIVE EVALUATION

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 POLICE DEPARTMENT EMPLOYEE WORKING IN THE COMMUNICATIONS CENTER SHALL BE EVALUATED AT SIX AND TWELVE MONTHS FROM THEIR DATE OF 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.

The Employee Handbook of Regulations, Section 1-50-039, *Purchase Day Program*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

C. PROCEDURE

- 4. 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.

The Employee Handbook of Regulations, Section 1-60-015, *Use of City Vehicles*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

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:
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 Worker's Compensation insurance. The only time an employee is covered under the City's WORKER'S COMPENSATION insurance ~~policy~~ ies 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.

SECTION 2. Penalties.

Any person found in violation of any provision of the Handbook may be subject to discipline, as set forth in such Handbook and Flagstaff City Code Section 1-14-001-0001, *Personnel System Adopted*.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances, parts of ordinances, and any sections of the Handbook in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Handbook is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of June, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY