

## **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 Pre-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;
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.

“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); (Ord. No. 2019-10, Amended 07/02/19)

## **1-20-042. ON-CALL AND CALL-OUT PAY**

The purpose of this policy is to establish guidelines for compensation and ensure compliance with the Fair Labor Standards Act (FLSA) regarding the compensation of non-exempt employees who are required to be available on-call for work outside of scheduled or regular hours.

### **A. DEFINITIONS**

1. “Waiting” means an employee is engaged to wait when required to remain on City premises or prescribed work place. Time spent while engaged to wait is Hours Worked under the FLSA.
2. “On-Call” is the period of time when an employee is required to carry a cellular phone or pager and must respond to work when paged or called upon.
3. “On-Call Compensatory Time” is paid time off the job that is earned and accrued by an employee in lieu of immediate cash payment for On-Call hours.
4. “On-Call Compensation” compensation paid at one and one half (1 ½) times the employee’s Regular Hourly Rate for On-Call hours.
5. “Call-Out” is the period of time when an employee is called out to perform unscheduled work while On-Call.
6. “Call Out Compensatory Time” is paid when an employee is called out to perform unscheduled work while On-Call.
7. “Call-Out Compensation” compensation paid at one and one half (1 ½) times the employee’s Regular Hourly Rate for Call-Out hours.

### **B. ELIGIBILITY**

1. Non-Exempt Employees who serve On-Call or are subject to Call-Out are eligible for additional compensation and/or compensatory time pursuant to this policy. The employee’s supervisor may elect whether the employee is to be paid compensation or receive compensatory time for On-Call and Call-Out services, based on budget and operational needs of the division.
2. An employee may not consume alcohol while On-Call or within the four-hour immediately preceding being On-Call. An employee who is On-Call must remain within

the local area as described in *Residency Requirements* per section 1-60-101. An employee On-Call is otherwise free to engage in personal activities while On-Call.

3. On-Call time begins when an employee or other employees are not required to be on the City's premises, on duty or at the prescribed work place.
4. An employee On-Call who fails to promptly respond to a Call-Out will not be paid for On-Call time and/or may be subject to discipline.

#### C. PROCEDURES

1. An employee On-Call shall receive one (1) hour of On-Call Compensation for eight (8) hours the employee is scheduled On-Call. This will be calculated by taking the total hours of On-Call multiplied by 0.125.
2. An employee who is On-Call and called out to work will receive Call-Out Compensation or Call-Out Compensatory Time, but not On-Call Compensation.
3. An employee who is called out to work by the employee who is On-Call will receive Call-Out Compensation or Call-Out Compensatory Time.
4. An employee on Call-Out shall receive one (1) hour of Call-Out Compensation or Call-Out Compensatory Time for each hour the employee is performing Call-Out duties. The employee shall receive a minimum of two (2) hours of Call-Out Compensation or Call-Out Compensatory Time each time the employee is required to respond to Call-Out.
5. The immediate supervisor shall code On-Call hours as OS (On-Call Compensation) or CS (On-Call Compensatory Time) when submitting the employee's time sheet.
6. The immediate supervisor shall code Call-Out hours as O3 (Call-Out Compensation) or C3 (Call-Out Compensatory Time) when submitting the employee's time sheet.
7. Employee's shall report hours as Hours Worked for all hours spent Waiting.
8. An employee who is Waiting shall be compensated at the employee's Regular Hourly Rate unless overtime is required per policy 1-20-040 *Overtime Pay*.

#### D. EXAMPLE

A Water Services employee's shift ends at 4:00 p.m. and they are scheduled to be On-Call beginning at 6:00 p.m. when the last shift at the plant leaves until 6:00 a.m. when the first shift at the plant begins. The employee responds to a plant alarm from 2:00 a.m. to 4:30 a.m. The following is an outline of how this employee will be compensated for On-Call and Call-Out hours.

On-Call 9.5 hours  
Call- Out 2.5 hours

On-Call Compensation or Compensatory Time is 1.19 hours (i.e. 12 On-Call hours minus 2.5 hours of Call-Out equals 9.5. hours. 9.5 On-Call hours multiplied by 0.125 equals 1.19 hours of On-Call Compensation.

Call-Out Compensation or Compensatory Time is 2.5 hours.

(Ord. No. 2018-18, Amended 06/15/18)

### **1-60-010. RESIDENCY REQUIREMENTS**

- A. Article 4, Section 1D of the Flagstaff City Charter requires that the City Manager, City Attorney, Magistrate(s), City Clerk, Treasurer, and all heads of departments shall be residents of the City during their tenure of office. Heads of departments includes those employees serving as Deputy City Manager.
- B. All Emergency Service Employees shall maintain their principal residence within the state boundaries of Arizona.
- C. All Emergency Service Employees, except those holding a position in Fire, will arrive at the assigned or emergency work location within one (1) hour from notification to report to duty.
- F. Employees who are designated to take home a City vehicle per section 1-60-015 *Use of City Vehicles* must live within a 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 the 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 the 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 the 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.

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

### **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.

#### **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:

1. The employee responds to emergencies, with written approval of the immediate Supervisor, Section Head, Division Director, Deputy City Manager and City Manager, or
2. 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
3. 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:
  - a. 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;
  - b. 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;
  - c. 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
  - d. 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.

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 may not be covered by the City's auto liability insurance 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 is when acting 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 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).

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

(Ord. No. 2018-35, Amended, 11/06/18); (Ord. No. 2019-10, Amended 07/02/19)