



# **Town of Florence PERSONNEL POLICY**

*April, 2018 Edition*  
(Amended 02/19/2019)

# Town of Florence Personnel Policy Index

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# **ARTICLE I - GENERAL PROVISIONS**

## **Section 101 - Purpose**

The general purpose of the Town of Florence Personnel Policy is to establish a system of personnel administration to assist the Town organization in its role of serving the citizens of Florence. This system provides the means to recruit, select, develop and maintain an effective and responsive work force, and includes policies and procedures for employee hiring and advancement, training and career development, job classification, compensation administration, leaving the Town service, fringe benefits, leaves, discipline and other related activities.

It is the desire of the Mayor and Council of the Town of Florence to attract and retain qualified and competent persons to the positions in the Town service. Appointments and promotions in the Town service are to be based on factors of qualification, competence and suitability. While this Personnel Policy provides a basic guide to personnel-related activities of the Town, it is recognized that administrative directives, departmental work rules and other policies and guidelines are promulgated from time to time as necessary to supplement this document. Except as otherwise noted, these policies apply to all regular Town employees. The Town Manager is the final authority on all matters relating to this Policy.

## **Section 102 - Classified and Unclassified Service**

Employees in the Town service are divided into the classified and unclassified service. The classified service is composed of all employees and officers of the Town of Florence except:

- A. Town officers appointed by the Town Council, namely the Town Manager, Town Attorney, Town Clerk and Town Magistrate.
- B. The Town Manager's deputies and assistants; and managers, administrators, and coordinators reporting directly to the Town Manager; and department directors reporting directly to the Town Manager or his/her deputies or assistants.
- C. Attorneys hired by the Town Attorney.
- D. Temporary employees.
- E. Part-time employees, and part-time on-call employees who work no set minimum number of hours, who may be so employed from time to time.
- F. Part-time Firefighter Recruits, part-time Firefighters, part-time Fire Engineers and part-time Fire Captains.

Unclassified employees specifically are "at will" employees; ie. unclassified employees under "A" above serve at the pleasure of the Town Council, those under "B", "D", "E" and "F" above serve at the pleasure of the Town Manager, and those in "C" above serve at the pleasure of the Town Attorney. The Town Manager may develop and implement policies to provide a

framework for conditions of employment, pay and benefit issues, etc., for those included in “C”, “D”, “E” and “F” above, but their employment will remain at-will pursuant to this Policy. Except as otherwise provided in the Town code, elected officials, members of appointed boards, commissions or committees and volunteer personnel are not considered to be employees of the Town of Florence for the purposes of this Policy.

### **Section 103 - Personnel Officer**

The Town Manager shall designate a Personnel Officer for the Town of Florence who shall be responsible for the administration of the personnel system of the Town, and who shall:

1. Administer the provisions of this Personnel Policy not specifically reserved to the Town Council or Town Manager and make such administrative regulations as are deemed necessary to implement and carry out the personnel function of the Town and this Policy.
2. Give notice of position openings within the Town service.
3. Conduct or coordinate applicant testing as appropriate.
4. Recommend to the Town Manager revisions and amendments to the Personnel Policy as deemed necessary.
5. Recommend to the Town Manager a position classification plan, including class specifications, and recommend revisions to the plan as deemed necessary.
6. Recommend to the Town Manager a compensation plan for all position classifications in the Town service, and recommend revisions to the plan as deemed necessary.
7. Allocate each position in the Town service to its appropriate class in the classification plan and assign each class to an appropriate pay range in the pay plan.
8. Develop and assist others in the development of training programs for Town employees.
9. Perform other duties as may be directed or identified in this Policy.

### **Section 104 – Additional Town Manager Delegation**

In addition to those items specifically noted in this Policy, the Town Manager may delegate responsibility and/or authority for any function, procedure, authorization, oversight or management of any provisions of this Policy. This ability to delegate is therefore implicit in each and every reference to the Town Manager’s responsibility and/or authority in this Policy.

### **Section 105 - Policy Not A Contract**

Nothing in this Policy shall be construed as constituting the terms of an employment contract. The Town reserves the right to repeal, modify or amend any or all of the provisions of this Policy without prior notice and without reservation of the effect of any or all provisions of a previous form.

### **Section 106 - Fair Employment**

No question in any test, or any application form or in any interview shall be so framed as to attempt to elicit information concerning race, color, national origin, sex, age, disability or political or religious opinions or affiliations of any applicant. No appointment to or removal from any position in the Town service shall be affected or influenced in any manner by any considerations of race, color, national origin, sex, disability, or political or religious opinions or affiliations.

### **Section 107 – Affirmative Action**

The Personnel Officer may develop and implement an informational program designed to promote Town employment and to inform the general public and specific groups and organizations of the non-discriminatory policies and practices of the Town of Florence.

### **Section 108 - Positions Covered**

The provisions of this policy shall cover all employees of the Town unless otherwise exempted in this Policy.

### **Section 109 - Severability Clause**

The provisions of this Policy are declared to be severable and if any article, section, sentence, clause or phrase of this Policy shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining articles, sections, sentences, clauses and phrases of this Policy, but they shall remain in effect, it being the legislative intent that this Policy shall stand notwithstanding the invalidity of any part.

In the event of the amendment of any ordinance, rule or law incorporated in these policies or upon which these policies rely, these policies shall be deemed amended in conformance with those changes. The Town Manager shall have the authority to make such amendments, as mandated by local, county, state or federal ordinance, regulation or law, and shall also have the authority to make non-substantive amendments, which shall be reported to the Town Council.

## **ARTICLE II - EMPLOYEE RESPONSIBILITIES**

### **Section 201 – Proof of Right To Work**

The Town of Florence shall comply with all laws, regulations and policies regarding the documentation of the eligibility of new hires to work in the United States. Such required documentation shall be provided within the time frame required by law. The offer of employment and/or continued employment is contingent upon the satisfactory verification results.

### **Section 202 - Political Activity**

No Town employee shall orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any Town employee. No Town employee shall make, solicit or receive any contribution to the campaign effort in any way of any candidate for Florence municipal elected office, or publicly endorse, or take any part in any way in the political campaign of any such candidate, but may exercise any other rights as a qualified elector, such as signing nomination papers of candidates and voting in municipal elections.

No elected official, appointed official or employee of the Town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either directly or indirectly, for any political campaign or personal gain. No elected official, appointed official or employee of the Town shall use or attempt to use any political influence to secure or assist any other employee in securing employment or any employment benefit or advantage.

Town employees may not engage in political activity in his/her official capacity as a Town employee. Town employees may not engage in political activity during work hours, or when using Town facilities, vehicles or equipment. Political activity includes, but is not limited to, displaying literature, badges, stickers, signs, or other items of political advertising on behalf of any party, committee, agency, candidate for political office or political issues sought to be placed on any ballot, or soliciting signatures for political candidacy or for the purpose of placing an issue on any ballot.

Any Town employee desiring to run for or seek appointment to a vacancy for any Town of Florence elected office, or any other municipal or county, state or federal elected office, shall resign from the Town service upon announcing such candidacy or filing for said office. The foregoing shall not apply to school board or community college board elections.

An employee who is principally employed in connection with programs financed by loans or grants made by the United States or a Federal agency may also be subject to the provisions of the Federal Hatch Act.

### **Section 203 - Nepotism**

Appointment of relatives of Town employees to positions in the Town service shall be permitted, provided the relative shall not be employed in a position where one would be supervising the other, or a conflict of interest might arise concerning a question of internal control. An employee may not be promoted or transferred into a position involving supervision by or of a relative.

For the purposes of this section, relative is defined to include:

Spouse	Aunt
Parent (in-law & step)	Uncle
Brother (in-law, half & step)	Niece
Sister (in-law, half & step)	Nephew
Child (in-law & step)	Grandchild
	Grandparents (in-law)

Situations where an employee or a prospective employee is involved in a relationship which, though not spousal, is similarly close (such as what is sometimes referred to as a domestic relationship, domestic partnership, committed partnership, cohabitation, and such) shall also be considered to fall under the definition of “relative” for the purposes of this Section.

Should a marriage between employees result in one having operational or supervisory control over the other, one employee must resign or transfer (if possible) in the Town service so as to eliminate the situation. No provision of this rule shall exclude relatives of the Town Council or Town appointed boards or commissions or committees from entering the Town service, provided no supervisory control of one over the other exists.

### **Section 204 - Gifts/Gratuities**

Employees shall not accept gifts, loans, gratuities, discounts, favors, hospitality, services or other compensation under circumstances from which it could reasonably be inferred that the purpose of the donor is to influence the employee in the performance of duties. Employees should be especially cautious in dealing with vendors of services, supplies or materials to the Town. Examples of acceptable courtesies are items of nominal value (\$50 or less) and include a meal or social event or function, or a sample or promotional gift. No employee shall solicit directly or indirectly any gratuity, regardless of value. Town employees may accept a gift without regard to value when it is offered and accepted on behalf of the Town. The gift then remains the property of the Town and should not be removed from Town facilities. The Town does not prohibit

employees from announcing and soliciting participation in Town-sponsored or employee events (such as employee picnics, holiday potlucks, retirements and the like).

No person or employee who seeks appointment or promotion with respect to any Town position or appointive office shall directly or indirectly give, render or pay any money, service or other valuable item to any person for or in connection with a test, evaluation, appointment, proposed appointment, promotion or proposed promotion. Any person or employee so described above may automatically be disqualified for employment or dismissed from employment if the act involves a promotion.

### **Section 205 - Conflict of Interest**

It is the Town's policy that employees at all levels be free from any interest, influence or relationship that might conflict or appear to conflict with the effective, efficient and impartial discharge of his/her duties, and/or the best interests of the Town. The existence of an actual or potential conflict of interest depends on specific facts. All actual or potential conflicts of interest must be disclosed by the employee. In any uncertain situation, the employee should protect him/herself by immediately discussing the matter fully and frankly with the appropriate supervisor. Where there is any further doubt concerning a conflict, the specific facts should be noted in writing and sent to the Town Manager for resolution. The continuing requirement to disclose serves to inform the Town and, at the same time, protect the employee from the harmful effects of any subsequent revelation of activities, associations or interests which might constitute a prohibited conflict of interest.

### **Section 206 – Confidentiality**

It is important for all Town employees to carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential court-related, law enforcement-related, medical-related or employment-related documents, while others handle sensitive matters concerning the operation of government. Employees must maintain the confidentiality of these matters, ensuring information about these activities is made public only upon appropriate authorization by the Town Manager or designee, in consultation with the Town Attorney, or as otherwise required by lawful order.

### **Section 207 - Secondary Employment**

Secondary employment (that is, employees working for others or engaged in self-employment during non-work time) is not prohibited, but is regulated by a few important rules. A Town employee may not engage in secondary employment in any way during working hours, while at Town facilities or using Town supplies, equipment, materials or personnel. Secondary employment must not cause a conflict of interest or cause deterioration in satisfactory

performance of duties while in the Town's employ. The nature of the secondary employment may not be such as to compromise the integrity, credibility or reputation of the Town government in the community.

Town employees must obtain prior approval from their department director and the Town Manager to engage in secondary employment. On January 1<sup>st</sup> of each year, all secondary employment approvals expire and employees wishing to continue to engage in secondary employment must submit a new approval form. Employees should recognize that any secondary employment which might be considered to be joint employment under the provisions of the Fair Labor Standards Act will require close consideration and conformance with the requirements of that law. Police Department personnel working security work coordinated through the Police Department are not required to file a written request for secondary employment for such work, but must comply with all applicable departmental policies and procedures.

### **Section 208 - Financial Responsibility**

Because of the nature of employment with a municipality, Town employees are expected to pay their debts in a prompt, responsible manner, so as to avoid having creditors contact the Town in an attempt to collect delinquent debts from employees.

### **Section 209 - Weapons In The Workplace**

Except as provided by law, Town employees shall not have in their possession on Town property any handgun, firearm or other weapon, regardless of whether or not the employee is licensed to carry the weapon. This provision does not apply to sworn police personnel or other authorized individuals who carry weapons in the performance of their duties, or to "pocket knives" or similar kinds of knives. While some employees of the Town may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or be permitted to carry them as authorized by law, it is the Town's policy that employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

### **Section 210 - Workplace Violence/Harassment**

It is the policy of the Town of Florence to provide employees a work environment that is safe and free of illegal harassment. Therefore, acts or threats of physical violence involving employees, including intimidation, harassment and/or coercion, will not be tolerated in the workplace. Threats or acts of violence include verbal or physical conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the employment conditions at the Town of Florence, or to create a hostile, abusive or intimidating work environment for one or more Town employees.

General examples of prohibited workplace violence include, but are not limited to, threats or acts of violence occurring on Town property, threats or acts of violence not occurring on Town property but involving someone acting in the capacity of a representative of the Town, and threats or acts of violence not occurring on Town property involving a Town employee if the threats or acts of violence affect the legitimate interests of the Town of Florence.

Specific examples of prohibited conduct include, but are not limited to, hitting or shoving an individual; threatening to harm an individual or his/her family, friends, associates or their property; making harassing or threatening telephone calls, letters or other forms of written or electronic communications; intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Town; or conducting harassing surveillance (also known as “stalking”).

Town employees are encouraged to report incidents of threats or acts of physical violence of which he/she is aware, to his/her immediate supervisor. In situations where reporting to the immediate supervisor is not appropriate, the employee should report such incidents to his/her department director and/or the Town’s Human Resources Department. Any employee who engages in conduct in violation of the provisions of this Policy will be subject to disciplinary action up to and including termination.

Workplace harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where, 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Workplace harassment needs not necessarily rise to the level of illegality to violate this Policy. However, petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality or a Policy violation. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Sexual harassment is defined as being unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to the direct supervisor, department director or the Human Resources Department at an early stage to prevent its escalation. Any

employee who engages in conduct in violation of the provisions of this Policy will be subject to disciplinary action up to and including termination.

Simple teasing, offhand comments, or isolated incidents that are not very serious do not rise to the level of illegality. Legitimate, reasonable and constructive criticism of an employee's performance or behavior, or reasonable instructions given to employees in the course of his/her employment, do not in and of itself constitute illegal harassment. Sexual harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision.

No employee will be subject to any form of retaliation or discipline for making a good-faith report, allegation or complaint about workplace violence or harassment. Retaliation is any adverse action taken against an individual because he/she filed a report, allegation or complaint in good faith concerning illegal workplace conduct. However, individuals who make knowingly false reports, allegations or complaints, or make knowingly false accusations or statements during an inquiry or investigation as a result of a report, allegation or complaint shall be subject to disciplinary action in accordance with Town Policy.

The Town will respond to all reports, allegations or complaints of workplace violence, workplace harassment or sexual harassment by conducting an inquiry or an investigation as deemed appropriate given the circumstances of the report, allegation or complaint.

The Town will protect the confidentiality of violence or harassment reports, allegations, or complaints to the extent it is reasonably possible.

### **Section 211 – Professional Attire/Appearance**

The professional image of our organization is maintained, in part, by the image that our employees present to our citizens, vendors and other visitors. All employees should practice common sense rules for neatness, good taste and comfort. Specific rules about grooming and/or dress, including required wearing of uniforms, may be adopted by departments, divisions or work groups due to the nature of the work of the employees in those units. However, in general, rings/hoops/studs through the nose, eyebrow, tongue or other exposed body parts (other than the ear) may not be worn while working. And in general, all tattoos must be small in size or covered at all times and may not be offensive in nature.

### **Section 212 – Loyalty Oath**

Every Town employee shall take the oath or affirmation as prescribed by state law.

### **Section 213 – Reporting of Arrests/Criminal Charges/Convictions**

Town employees are required to report any arrests, any criminal charges filed against them, and any criminal convictions against them throughout their time of employment, within three (3) working days of such circumstance. An arrest, a criminal charge filing or a criminal conviction will not necessarily automatically trigger a change in employment status of any kind. Factors that will be considered include the nature of the offense, the frequency of violations, the employee's work history and the relevance of the offense to the employee's position.

### **Section 214 – Absence Reporting**

Whenever an employee is unable to report for duty for any reason, he/she must contact the immediate supervisor or designee at least one hour before the normal starting time for the employee. Failure to do so will result in the employee being considered absent without approved leave. If an employee is unable to make the necessary contact him/herself, he/she may arrange for another person to make the required notification on his/her behalf.

### **Section 215 – Non-Fraternization Policy**

The efficient operation of the Town organization requires that supervisors and managers deal fairly and objectively with the personnel they directly or indirectly supervise. If a supervisor has a close personal relationship with a subordinate, the likelihood of favoritism increases and/or this creates (at least) a perception that may compromise a manager or supervisor's ability to perform his/her job. In addition, if a supervisor or manager pursues a romantic or sexual relationship with a subordinate, claims of sexual harassment are possible. Therefore, managers and supervisors are forbidden from pursuing romantic or sexual relationships with employees whom they supervise or whose terms of employment they can influence. Supervisors or managers who violate this policy will be subject to discipline up to and including termination.

### **Section 216 – Employee Drug/Alcohol Testing**

The Town of Florence recognizes that the use of alcohol and/or drugs inhibits a person from performing duties safely and effectively. The Town's intention is to maintain a safe, healthful, and productive work environment for its employees, and to uphold the Town's reputation in the community. Accordingly, this policy provision is included to provide consistent and relevant guidelines for all employees regarding the use of alcohol and drugs, and to comply with the provisions of ARS 23-493. It is the policy of the Town of Florence that no employee shall report to work after having participated in the illegal use of drugs or while under the influence of alcohol or drugs, nor possess or use such substances while they are on duty.

Pre-Employment Testing: Employees hired in classifications listed on the "Town of Florence Classifications Subject To Pre-Employment Drug Testing" list, will be required to undergo a

post-offer, pre-employment drug test. Current employees to be promoted, demoted or transferred into classifications included on the list, but who are not currently in a classifications included on the list, will be required to undergo a post-offer, pre-promotion/demotion/transfer drug test. Any candidate for employment who tests positive for controlled substances shall not be hired. Any current employee who tests positive for controlled substances in a pre-promotion/demotion/transfer test shall not be promoted/demoted/transferred and will be subject to disciplinary action up to and including termination.

Other Testing: All Town of Florence employees are subject to alcohol and/or drug testing. If a supervisor reasonably believes an employee is at work under the influence of alcohol or drugs, the employee may be required to submit to a drug and/or alcohol test. All employees who are required to obtain and maintain a Commercial Driver's License are subject to the testing requirements under Federal regulations (refer to the Town Risk Management Manual for the specific provisions of this type of testing). For testing not related to the CDL regulations, a 5-panel, non-NIDA test shall be used (marijuana, cocaine, amphetamines [including methamphetamines], opiates, phencyclidine [PCP]). Testing methods and collection procedures shall be generally those prescribed by standard protocol and compliant with the requirements of the Federal CDL drug and alcohol testing regulations. Refusal by an employee to submit to a drug and/or alcohol test shall result in termination from Town employment as provided in these rules. An employee testing positive for alcohol and/or drugs shall be subject to disciplinary action up to and including termination. An employee testing positive for alcohol and/or drugs shall have the right to request the written test results, and shall have the right to request a meeting with his/her supervisor or department director to explain the test results. All test results shall be treated in accordance with reasonable standards of privacy, and shall only be disclosed to the Human Resources Director or designee, and other individuals as determined by the Human Resources Director or designee, or as provided by law or regulation. Town employees may be subject to other types of drug/alcohol testing as provided in the Town Risk Management Manual, including but not limited to post-accident testing. An employee taking prescribed drugs or over-the-counter medications that may potentially impair the safe performance of his/her duties must notify the supervisor who shall determine if the employee is able to safely perform his/her duties.

### **Section 217 – On-the-Job Injury or Illness**

All employees are covered under workers' compensation insurance which provides for medical treatment of injuries and/or illnesses arising out of and in the scope of employment, and for resultant loss wages. Employees must report any work-related injury or illness immediately and seek appropriate medical attention. The Town may direct first-visit care under the provisions of Arizona law. In the event of lost work time due to a covered injury or illness, employees may supplement workers' compensation insurance payments with unused accrued leave time as provided in this policy, or as otherwise may be provided by law. Employees are not allowed to work at secondary employment while on job-related injury leave, or while on alternate duty.

## **Section 218 – Unauthorized Recording**

Employees are prohibited from recording (audio and/or video, including the use of a tape recorder or any other electronic device, including cell phone) any individual in the workplace or while on duty without such individual's knowledge and consent, unless authorized to do so by the Town Manager or designee. While it is recognized that under Arizona law, it is not illegal to record a conversation to which you are a party (the so-called "one party" consent rule), the Town has a variety of legitimate and non-discriminatory justifications to support this recording ban, including:

- Encouraging the free flow of information within the Town;
- Protection of confidential information and other privileged information;
- Fostering honest and open communication between employees, coworkers and supervisors;  
and
- Preventing disruption in the workplace resulting from recordings.

This policy is not intended in any way to inhibit employees from engaging in protected activity under any other policy, rule, regulation or law.

## **ARTICLE III - RECRUITMENT AND SELECTION**

### **Section 301 - Non-Discrimination**

It is the policy of the Town of Florence not to discriminate in decisions regarding hiring or promotion on the basis of race, color, national origin, sex, disability, or political or religious opinions or affiliations.

### **Section 302 - Physical and Mental Fitness**

All applicants considered for employment with the Town shall possess position-appropriate physical and mental health. Appointments to the Town service shall be subject, where appropriate or required by law, rule or regulation, to a satisfactory physical examination and examination to establish mental fitness. Such examinations shall be given by an examiner designated by the Town and at the expense of the Town. If at any time during employment these levels are suspected of falling below acceptable standards, the Town may require the employee to complete an examination administered by an examiner of the Town's choice at the Town's expense. An employee who, in the opinion of the examiner after consultation with the Personnel Officer, is incapable of meeting the requirements of his/her position shall be recommended for removal from his/her position as provided in these rules, subject to the final decision of the Town Manager or designee. The Town shall comply with the provisions of the Americans With Disabilities Act and its amendments, and other applicable law.

### **Section 303 - Recruitment**

Recruitment publicity shall be carried out through all appropriate means for a reasonable period of time to assure sufficient opportunity for qualified candidates to apply and be considered for employment with the Town. Recruitment shall be carried out on a wide enough basis to ensure an adequate number of applicants for consideration. The Personnel Officer at the direction of the Town Manager or designee shall coordinate all recruitment efforts. When a position in the Town service becomes vacant, the director of the department involved, the Town Manager or designee and the Personnel Officer may meet prior to the start of recruitment efforts to review the vacant position in regard to recruitment timing, duties and responsibilities and other pertinent factors.

### **Section 304 - Application**

All applicants for Town employment shall make application on forms provided by the Personnel Officer. The Town Manager or designee in consultation with the Personnel Officer may waive this requirement and accept resumes as application. Applicants must provide honest and

complete information on all items, both in the Town application form and in any accompanying information such as a resume. Failure to complete the employment application form as directed may result in disqualification from employment consideration, or dismissal from the Town service. Any application may be rejected for the following reasons:

- The applicant did not fully complete the application form.
- The applicant appears not to possess the qualifying experience or training required for the position.
- The applicant has made any misstatement of any material fact.
- The applicant has practiced any deception or fraud in his/her application.
- The applicant has been convicted of a crime involving moral turpitude or has been convicted of a crime that is related to the duties and responsibilities of the desired position. (For example, an applicant has applied for a position as Accounting Clerk, but was convicted of embezzlement.)

Application forms, when submitted, become the property of the Town along with any documentation attached by the applicant.

### **Section 305 - Examinations**

Examinations shall consist of selection techniques which will assist the Town in assessing the qualifications of the candidates and include, but are not limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical and psychological tests, electronic truth measuring tests or any combination of these or other tests.

Appointments to the Town service to positions which include driving a vehicle shall be subject to verification of an appropriate driver's license and satisfactory driving record.

In case of vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert nature, or in other unusual circumstances, and upon satisfactory evidence that competition is impractical and that the position can be best filled by the selection of some designated person of recognized attainments, the Personnel Officer may recommend suspension of competition to the Town Manager or designee, who shall make the final determination.

### **Section 306 - Promotional Opportunities**

Promotional opportunities shall be made known to Town employees through the distribution of position announcements and/or other appropriate means. Qualified Town employees may submit applications for consideration for promotional opportunities. Except as otherwise approved by the Town Manager, only Town employees who have completed the initial probationary period may be considered for promotion.

### **Section 307 - Employment Lists**

When the recruitment testing and interview process has been completed for a position, a certification list shall be developed which shall note the person(s) to be hired for the vacancy and other candidates deemed to be qualified to be hired for future vacancies. Normally, certification lists shall remain in effect for six months, but may be extended by the Personnel Officer for up to one year. Certification lists may be used for position openings in classifications with similar duties and responsibilities as determined by the Personnel Officer.

### **Section 308 - Underfilling Positions**

When deemed appropriate and recommended by the department director in consultation with the Personnel Officer and approved by the Town Manager, an approved budgeted position in the Town service may be underfilled by hiring an applicant to fill the position in a classification with a lower pay range than the approved budgeted position.

### **Section 309 – Criminal Background Check**

All finalist candidates for any paid Town position shall undergo a criminal background check (per Town Code § 31.071).

## **ARTICLE IV - PROBATION**

### **Section 401 - Period of Initial Probation**

Every classified employee shall work satisfactorily for a period of probation in order to satisfy the requirements for regular employment in the Town service. The period of initial probation shall consist of twelve months of work. The initial probationary period may be extended for a 90-day period at the request of the department director and upon approval of the Town Manager. Under unusual circumstances where the department director judges it advantageous to further assess an initial probationary employee's work performance and suitability for continued employment, one additional 90-day extension may be granted upon approval of the Town Manager.

Time taken on sick leave, approved leave without pay or leave as a result of a workers' compensation claim not in excess of 30 calendar days shall be included as creditable time to the probationary employee. Employees in the initial probationary period are eligible to use accrued sick leave time as it is earned, and accrued vacation leave time after completing six months of the initial probationary period.

### **Section 402 - Appointment Following Initial Probationary Period**

Prior to the end of the initial probationary period, the department director shall submit to the Personnel Officer a performance review of the probationary employee. A satisfactory performance review and affirmative recommendation by the department director, with approval of the Town Manager, shall confirm a probationer to regular status with the Town.

### **Section 403 - Rejection of Probationer**

During the initial probationary period, an employee may be dismissed at any time without notice, without cause and without the right of appeal.

### **Section 404 - Promotion/Transfer Probationary Period**

When an employee is promoted or transferred, that employee shall serve a probationary period in the new position of twelve months. Prior to the end of the twelve-month period, the department director shall submit to the Personnel Officer a performance review of the promoted or transferred employee. An employee who has been promoted or transferred and is given an unsatisfactory evaluation at the end of the promotion/transfer probationary period may be returned to his/her former position or another similar position if vacant, or otherwise handled as

provided in this Policy. The department director may waive the transfer probationary period with the approval of the Town Manager. An employee who is promoted and successfully completes the promotional probationary period shall have his/her annual merit review anniversary date changed to that date. The annual merit review anniversary date does not change for an employee who successfully completes a transfer probationary period.

#### **Section 405 – Demotion Probationary Period**

When an employee is demoted, that employee shall serve a probationary period in the new position of twelve months. Prior to the end of the twelve-month period, the department director shall submit to the Personnel Officer a performance review of the demoted employee. The annual merit review anniversary date does not change for an employee who successfully completes a demotion probationary period. An employee who has been demoted and is given an unsatisfactory evaluation at the end of the demotion probationary period may be dismissed from the Town service or otherwise handled as provided in this Policy.

#### **Section 406 - Special Review Period**

An employee may be placed in a special review period at any time when the performance of the employee falls below acceptable levels. The normal term of a special review period shall be 90 days; a written evaluation and/or report is to be done at the end of this period to document the results of the special review period. Should the problems with an employee's performance not be corrected during this period, other action may be taken as provided in these rules.

# **ARTICLE V - PERFORMANCE EVALUATIONS**

## **Section 501 - Purpose**

The purpose of the performance evaluation system is to formally evaluate at least once each year the performance of every regular employee in the accomplishment of his/her assigned duties and responsibilities, to set and measure progress towards the achievement of goals and objectives, and to assist in targeting training and/or educational needs.

## **Section 502 - Administration**

The Personnel Officer shall administer the performance evaluation system, subject to the direction of the Town Manager. Performance reviews shall be conducted:

1. Just prior to the end of the initial probationary period. This date becomes the employee's (performance) anniversary date.
2. Just prior to the end of a promotion probationary period. This date becomes the employee's (performance) anniversary date.
3. Just prior to the end of a transfer or demotion probationary period. The employee's (performance) anniversary date does not change.
4. Just prior to each annual (performance) anniversary date.
5. Whenever the department director or Town Manager so requires.

## **Section 503 - Rating and Reviewing**

The performance reviews shall be documented on forms developed by the Personnel Officer. The rating authority shall be that person who directly supervises the work of the employee being rated. The reviewing authority shall be the department director but the function of review may be delegated to any other supervisor by direction. Each employee shall have an opportunity to review the rating with their supervisor. Notwithstanding the provisions of Article X, Section 1001 of this policy, an employee may respond in writing to any issue raised in the performance evaluation and such response shall be attached to the evaluation and be placed in the employee's personnel file. The Town Manager may direct the Personnel Officer to investigate the accuracy of ratings. Completed performance rating forms shall be submitted in a timely manner to the Personnel Officer who shall file each form in the employee's personnel file.

# **ARTICLE VI - CLASSIFICATION, COMPENSATION AND BENEFITS**

## **Section 601 - Position Classification Plan**

The Personnel Officer or other designee of the Town Manager shall ascertain and record the duties and responsibilities of all positions in the classified service and, after consultation with the directors of departments affected, shall develop a classification plan for such positions. The classification plan shall consist of classes of positions in the Town service defined by class specifications including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class and the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The plan shall be amended from time to time as the duties, responsibilities and employment conditions change. Each position classification shall be evaluated in light of applicable laws and regulations and shall be designated as either “exempt” or “non-exempt” under the provisions of the Fair Labor Standards Act as they pertain to calculation of overtime liability.

## **Section 602 - Class Specifications**

The Personnel Officer shall maintain copies of current specifications for all classifications in the classification plan. When a new classification is created or when a current classification is determined to be obsolete, the classification plan shall be amended accordingly.

## **Section 603 - Reclassifications**

When the scope of the duties and responsibilities of a position have changed materially so as to necessitate reclassification, such position shall be analyzed by the Personnel Officer and recommendations submitted to the Town Manager to reclassify the position to a more appropriate class (if justified), whether new or existing. An employee may initiate a classification review request through the department director. Consideration of reclassifications will normally be done through the annual budget process.

## **Section 604 - Compensation Plan**

The Personnel Officer or other designee of the Town Manager shall prepare a pay plan covering all positions in the classified service. In arriving at compensation rates or ranges, consideration shall be given to the prevailing rate of pay and consideration of working conditions for

comparable work, to suggestions of a department director, to the Town's financial condition and policies, and to all other relevant factors.

### **Section 605 - Pay Ranges**

Each classification shall be assigned to a pay range that through the application of other provisions of this Policy is deemed appropriate. Each employee may be advanced through the pay range on the basis of performance until the end of the pay range is reached. Advancement through the pay range shall be subject to the recommendation by the employee's department director through the formal performance evaluation system and approval of the Town Manager, subject to available, allocated funding.

### **Section 606 - Performance Increases**

Town employees shall be eligible for consideration for performance-based pay increases as follows:

1. Upon successful completion of the initial probationary period.
2. On or about the end of each 12-month period of service after completion of the initial probationary period to be granted on the (performance) anniversary date based on the performance evaluation. Such increases shall not be automatic but shall depend on increased service value of an employee to the Town as exemplified by the recommendation of the supervisor, performance record, special training undertaken or other pertinent evidence.
3. Upon successful completion of a promotional probationary period. Such date becomes the employee's new (performance) anniversary date.
4. At other times as may be approved by the Town Manager.

### **Section 607 - Range Adjustments**

When it is determined that the pay range assigned to a particular classification is no longer appropriate due to changes in market conditions or duties and responsibilities of the classification, the Personnel Officer shall be notified of such changes and conduct a review of the range assigned to the particular classification. If it is determined that the pay range assigned to the classification is either too high or too low, the Personnel Officer shall make a recommendation for change to the Town Manager and if approved, the classification shall be moved to the recommended pay range. Affected employees shall be moved to a position in the new pay range as determined by the Personnel Officer. Performance evaluation dates shall not change for affected employees as a result of a range adjustment. Considerations of range adjustments will only be done in conjunction with the annual budget process, and require approval of the Town Council.

## **Section 608 - Temporary Assignments**

Upon the recommendation of the department director and approval of the Town Manager, an employee may be assigned on a temporary basis to a position in a classification of a higher pay range, either in the employee's department or another department. For such temporary assignments which are intended to be more than 30-days in duration, the employee may be compensated at a higher rate of pay during the assignment as may be approved by the Town Manager. The Town Manager may assign an employee to work in his/her classification in a different department on a temporary basis as deemed necessary.

## **Section 609 - Overtime Policy**

It is the policy of the Town of Florence to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements, or due to scheduling issues, and supervisory personnel are responsible for the advance planning required to minimize the need for overtime. Necessary overtime shall be authorized by the appropriate supervisor prior to being worked. Compensation for overtime worked, whether through cash payment or the use of compensatory time off in lieu of cash payment, shall be made in accordance with applicable laws and regulations. Overtime shall be calculated to the nearest one-quarter hour of time worked. Refusal of an employee to work overtime when requested without good cause may be cause for disciplinary action.

It shall be the general policy of the Town to pay overtime compensation for all Town employees required to work overtime hours. Town department directors or their designees may at their discretion, however, decide to grant compensatory time to employees who work overtime provided there is a clear understanding between the supervisor and the employee that compensatory time is being granted instead of paid overtime, prior to the overtime being worked. In certain situations, a department director (with the approval of the Town Manager) may determine that all overtime worked by a specific employee or class of employees, or a specific type of overtime worked, will be compensated with compensatory time off instead of with paid overtime. In these cases, documentation shall be drafted indicating agreement to this arrangement by the department director and the employee, and all overtime worked by such employee, or in such specific type of situation, shall be compensated with compensatory time.

A non-exempt employee who works beyond the normally scheduled work day may be allowed or required to alter the hours worked in another work day in the same work period to compensate, hour for hour, as approved or directed by the employee's supervisor. This flex arrangement does not reduce or increase the number of hours worked in a given work period. This flex time cannot be banked and must be accomplished within the same work period, or it must revert to paid overtime and compensated as provide in this Section.

All non-worked hours, such as sick leave, vacation leave, holiday time, compensatory time taken, standby time, jury duty hours, and military leave hours, shall be deducted from the total

hours worked in a designed work period prior to the overtime liability calculation, except as provided in Section 610 of this Policy, or as may be provided in a grant, an intergovernmental agreement, or other such agreement.

### **Section 610 - Call-Back Policy**

The call-back procedure is established to provide for situations where it is determined that a non-FLSA-exempt employee must be called to duty outside of his/her normal working hours.

If an employee is called out to work as noted above, the employee will automatically receive credit for two hours worked calculated at one-and-one-half times the employee's regular hourly rate, regardless of the duration of the call out. Once the employee works more than two hours, time credited will be the actual time worked, calculated at one-and-one-half times the employee's regular hourly rate. This provision does not apply to scheduled overtime, scheduled tasks performed outside normal working hours, holidays worked or call-back time that overlaps the employee's regular work hours (either being called in early for a shift/workday or held-over at the end of a shift/workday). Subsequent calls received to perform work within two hours of the start time of an initial call-back will be compensated as an extension of the initial call, not as a new call. Refusal of an employee to respond to a call-out without good cause may be cause for disciplinary action.

### **Section 611 – Stand-By Policy**

The stand-by policy is established to provide for situations where it is determined that a non-FLSA-exempt employee may be required to be placed on stand-by for duty. Stand-by duty is restricted to employees qualified to perform specialized emergency services. Stand-by duty pay shall not be available in situations where tasks must be performed on a scheduled basis outside of normal work hours. The appropriate department supervisor shall maintain a stand-by roster of qualified personnel for stand-by duty. Such duty shall be allocated fairly to qualified employees on the stand-by list based first on those employees who volunteer to be put on stand-by duty, and secondly by assignment on a rotational basis if an insufficient number of qualified employees volunteer to be put on stand-by duty. Employees on stand-by status must maintain a physical readiness to respond, be able to respond in an appropriate time frame, and be accessible to receive a call-out by pager or telephone.

Stand-by duty will be paid at \$20 per day for each day or shift of assignment. An employee who is called to perform services will be compensated as outlined in Section 610 – Call-Back Policy.

### **Section 612 - Clothing Allowances, Uniforms and Expense Reimbursement**

Clothing allowances and uniform privileges shall be approved by the Town Manager. The Town Manager shall have the authority to establish administrative regulations providing for the reimbursement to employees of necessary expense incurred while engaged in Town business including approved travel and conference expenses.

### **Section 613 - Other Benefits**

Town employees shall receive additional benefits as approved by the Town Manager and (as appropriate) the Town Council, or as might be mandated by law, such as health insurance, worker's compensation coverage and retirement benefits.

### **Section 614 – Work Period Designation**

The standard work period for all employees shall be seven consecutive days commencing at 00:01 a.m. on Saturday and ending the following Friday at midnight. Work periods for individual employees or classes of employees may be otherwise designated in writing (such as those employees who qualify under the Section 207k provisions of the FLSA).

### **Section 615 – Workplace Accommodation**

The Town of Florence shall comply with the provisions of the Americans With Disabilities Act and its amendments.

# **ARTICLE VII - PROMOTION, TRANSFER AND DEMOTION**

## **Section 701 - Promotion**

Insofar as consistent with the best interest of the Town, vacancies in the Town service shall be filled by promotion from within, after consideration is given to all interested, qualified employees. Promotional opportunities are open to employees who have completed the initial probationary period and who meet the additional job requirements, except as may be approved by the Town Manager. Upon promotion, the employee shall be moved to a position in the pay range assigned to the new position as recommended by the Personnel Officer and approved by the Town Manager or designee. The annual evaluation date shall be changed to reflect the successful completion of the promotional probationary period.

## **Section 702 - Transfer**

With the approval of the Town Manager, an employee may be transferred from a position in one department to a position with the same pay range in another department. The annual performance evaluation date of the employee normally does not change in a transfer.

## **Section 703 - Demotion**

A demotion may either be voluntary or involuntary, as approved by the Town Manager. A demotion occurs when an employee is moved to a classification assigned to a lower pay range than that currently held by the employee. In the case of a demotion, the employee's annual performance evaluation date normally does not change.

# ARTICLE VIII - LEAVE

## Section 801 - Holidays

The following days have been established as paid holidays for full-time Town employees:

New Year's Day	Columbus Day
M.L. King Jr./Civil Rights Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	The Day After Thanksgiving Day
Independence Day	Christmas Day
Labor Day	Other days as may be set by the Town Council

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. An employee must be in authorized pay status on the working day immediately preceding the holiday and the working day immediately following the holiday in order to receive pay for the particular holiday.

Employees, except members of the police and fire departments which are staffed on a 24-hour basis, shall not be required to be on duty on holidays unless the employee's service is needed and required in the interest of public health, safety or general welfare. Should a holiday fall on an employee's regularly scheduled day off, every effort should be made to give the employee a regular work day off to compensate. Where that is not possible or practical, employees may be paid holiday pay. Holiday pay shall be paid as regular hours equivalent to the employee's regular shift, not to exceed eight hours, and shall not be included in any calculation for overtime liability.

## Section 802 - Vacation Leave

Vacation leave is provided to regular full-time employees of the Town on the following accrual schedule:

For All Employees Except Fire Department Employees Working Shift Work:

1 month through 4 years service.....	8 hours per month
5 years through 9 years service.....	10 hours per month
10 years through 14 years of service.....	13.34 hours per month
15 or more years service.....	16.67 hours per month

For Fire Department Employees Working Shift Work:

1 month through 4 years service.....10.6 hours per month  
5 years through 9 years service.....13.25 hours per month  
10 years through 14 years of service.....17.67 hours per month  
15 or more years service.....22.08 hours per month

Upon completion of six months of service in the initial probationary period, vacation leave may be taken subject to available accrued leave. Part-time, temporary, on-call and seasonal employees are not eligible to accrue vacation time.

Accrued vacation leave may be carried over from year to year, subject to an accrual limitation of two times the amount which could be earned in twelve months of service, as illustrated below:

For All Employees Except Fire Department Employees Working Shift Work:

1-4 years of service	192 hours of carry-over allowed
5-9 years of service	240 carry-over hours allowed
10-14 years of service	320 carry-over hours allowed
15+ years of service	400 carry-over hours allowed

For Fire Department Employees Working Shift Work:

1-4 years of service	254 carry-over hours allowed
5-9 years of service	318 carry-over hours allowed
10-14 years of service	424 carry-over hours allowed
15+ years of service	530 carry-over hours allowed

All vacation leave accrued in excess of the accrual limitation shall be forfeited at the end of the pay period which includes December 31<sup>st</sup> of each year. The Town Manager may consider and approve exceptions to this limitation on a case-by-case basis, as recommended by the Personnel Officer. Holidays are not counted toward vacation days. Qualified employees may be eligible to receive pay for unused, accrued vacation leave in lieu of taking vacation time off, in accordance with applicable administrative policies.

Employees who have satisfactorily completed the initial probationary period and who terminate employment shall be paid for all unused accrued vacation leave. However, no more than 400 hours of vacation leave (maximum allowable accrual) shall be paid upon separation from employment. Vacation leave shall be scheduled by the department with due regard to the requirements for service delivery and the employee's wishes. Requests for vacation leave shall be made by the employee far enough in advance to allow planning for the absence. Vacation leave must be taken in increments no smaller than one-half hour.

## **Section 803 - Sick Leave**

Sick leave with pay is granted to all probationary and regular full-time employees in the Town service. Part-time, temporary, paid-on-call, and seasonal employees are not eligible to accrue sick leave except as provided in state law. Sick leave shall be allowed only:

1. in case of an employee's mental or physical illness, injury or health condition; or need for medical diagnosis, care or treatment; or need for preventive medical care; or
2. for the circumstances enumerated in ARS 23-373(A)(3 and 4); or
3. for care of family member (as defined in ARS 23-371(H) with a mental or physical illness, injury or health condition; or who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or preventive medical care; or for the circumstances enumerated in ARS 23-373(A)(3 and 4), subject to a limitation of 48-hours per occurrence.

Sick leave shall accrue at the rate of eight hours per month for all regular full-time employees. Unused accrued sick leave may be carried over from year to year, subject to an accrual limitation of 960 hours.

Sick leave must be taken in 15-minute increments, or as otherwise provided in departmental policy to ensure adequate shift coverage. Town employees are not compensated for any unused accrued sick leave upon separation from the Town service. Misuse or abuse of sick leave is cause for disciplinary action as provided in these rules. Any employee who has exhausted available sick leave may substitute accrued vacation leave.

In order to receive compensation while absent on sick leave, the employee shall notify the appropriate supervisor at least one hour before the normal starting time for the employee. Failure to do so may result in the employee being considered absent without approved leave.

In the event that a paid holiday falls during a period when an employee is on approved paid sick leave, the holiday shall not be charged against the employee's accrued sick leave. In the event an employee becomes sick or has an accident during paid vacation leave, the time may be charged to accrued sick leave (subject to proper medical documentation).

The Town of Florence shall comply with the provisions of the Family & Medical Leave Act of 1993 and its amendments, and the National Defense Authorization Acts of 2008 and 2010 and its amendments. The Town of Florence shall use a rolling 12-month period to calculate FMLA eligibility, except that for leave taken to care for a covered military service member with a serious injury or illness, the "single 12-month period" provided by law begins on the first day the eligible employee takes FMLA leave to care for the covered service member and ends 12 months after that date. In addition, all available paid leave time taken will be counted toward the FMLA leave entitlement.

## **Section 804 - Sick Leave In Relation To Workers' Compensation**

Employees are insured by the Town under the provisions of the Arizona Workers' Compensation statutes, for on-the-job injuries and illnesses. It is mandatory that every job-related injury or illness, regardless of severity, be reported immediately to the employee's supervisor.

Under workers' compensation law, medical expenses are paid for a covered injury or illness. Compensation is paid for lost-time injury or illness if disability extends beyond a seven-day period. If the absence extends beyond 13 days, compensation is made retroactive to the date of injury or illness. When an employee is unable to work due to a covered injury or illness, the employee will continue to receive his/her normal compensation from the Town for up to 13 calendar days without being charged any leave time for the absence. Should the absence be for 14 or more calendar days, the employee may elect to use unused accrued leave in order to maintain his/her regular income for up to 90 additional days, except as otherwise provided by law. The employee's department director, Personnel Officer and Town Manager will review each case on an individual basis and determine if the circumstances of an individual claim justify extension of the time. The Town Manager at his/her sole discretion may approve additional extensions based on all factors deemed appropriate to consider, including the likelihood of the employee return to duty. Employees receiving compensation in lieu of temporary disability payments under workers' compensation coverage shall remit any funds received under workers' compensation to the Town. An employee receiving workers' compensation disability payments and supplementing their income with available leave shall not accrue sick or vacation leave or receive payments for holidays, for any period they do not actually perform their duties.

## **Section 805 – Sick-Leave Use Required Documentation**

For all sick leave absences of three or more work days, the employee shall provide written documentation verifying the use of paid sick leave is for a circumstance allowed under this Policy. For paid sick leave taken under the provisions of ARS 23-373(A)(4), documentation shall be required as provided in ARS 23-373(G). Documentation provided as required under this Section shall contain certification that the employee is fit to perform the essential functions his/her position and is approved to return to duty, or shall note any necessary accommodation (such as alternate duty) and the expected duration of such accommodation.

## **Section 806 - Special Leave for Family Death**

Upon documentation that a relative (as defined in Article II, Section 203) has died, an employee may be granted a leave with pay, not to be charged to any accrued sick leave or vacation leave, for a period not to exceed three consecutive calendar days. An additional two consecutive calendar days may be granted if out-of-state travel is necessary. Absences exceeding the above shall be charged to accrued vacation leave.

### **Section 807 - Military Leave**

Military leave shall be granted in accordance with the provisions of Federal and/or State law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave may be taken. The Town of Florence shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, and its amendments.

### **Section 808 - Jury Leave**

Every employee of the Town who is required to serve as a juror shall be entitled to leave not charged to any accrued leave during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee will be paid their regular compensation and any payment received from the court shall be remitted to the Town, except travel pay, for such duty. Employees subpoenaed to testify as witnesses in criminal or civil cases shall be entitled to the same benefit as employees called as jurors.

### **Section 809 - Leave Without Pay**

Regular full-time Town employees may request a leave without pay in a situation where there is no paid leave time available to the employee. A department director may grant a leave without pay not to exceed five working days (or one 48-hour shift for Fire Department shift employees). For a leave without pay exceeding the department director granting authority, the employee desiring leave without pay shall make a written request to the department director setting forth the request and the length of time requested. Such request must be approved by the Town Manager. Upon expiration of an approved leave, the employee shall be reinstated in the position held at the time the leave was granted. Failure on the part of an employee on leave without pay to report promptly upon expiration of the leave shall be considered to have abandoned his/her position and shall be separated from the Town service.

An employee on leave of absence without pay shall receive no compensation and shall accumulate no vacation or sick leave while on such leave, or shall receive no other benefits except as may be provided by law. The term of a leave of absence without pay shall not exceed 180 calendar days. The Town of Florence shall comply with the Family & Medical Leave Act of 1993 and its amendments.

### **Section 810 – Special Paid Leave**

Special leave with pay may be granted by the Town Manager or designee, in emergency situations such as weather, natural disaster, fire; or in a declared state of emergency or disaster; or as determined by the Town Manager in any other special circumstance.

## **Section 811 - Vacation Leave Donation Program**

The Vacation Leave Donation Program is established to allow a qualified employee who has exhausted all his/her paid leave hours a means of financial assistance through the contributions of vacation leave hours from fellow employees. A qualified employee is any full-time probationary or regular Town employee who has a personal catastrophic illness or injury occur to him/her for which leave time taken (if any was available) would qualify under Section 803 above, and who has exhausted all paid leave hours. Examples include, but are not limited to, heart attack, cancer or serious car accident. Only employees who have completed the initial probationary period will be allowed to donate unused accrued vacation time under this Program. Donating employees may only donate vacation leave time in one-hour increments. An employee needing the benefits of this Program must make the need known to his/her supervisor. That supervisor and/or the department director may make the donation need known to other members of the department and other Town employees through appropriate means, as determined by the supervisor and/or department director. The Personnel Officer shall prepare appropriate forms to document vacation leave donation authorization to ensure proper record keeping. Donated accrued vacation leave will be transferred on a straight hour-for-hour basis to the recipient employee's sick leave balance as needed. The tax liability associated with the donated leave will be the responsibility of the recipient. All leave donations will be voluntary and no employee may intimidate, threaten or coerce any other employee with respect to donating or receiving leave under this program.

# **ARTICLE IX - DISCIPLINARY ACTION AND RULES OF CONDUCT**

## **Section 901 - Purpose**

The orderly and efficient operation of the Town's business requires that employees maintain discipline and proper personal standards of conduct at all times. Maintaining proper conduct and job performance is necessary to protect the health and safety of all employees and others, to maintain uninterrupted productivity and to protect the Town of Florence's good will and property. The general responsibilities of all employees as outlined elsewhere in this policy, along with specific job responsibilities, must be performed properly to ensure our success. If inappropriate behavior or poor job performance is observed, employees may be warned and counseled about the need to refrain from similar conduct in the future. However, such steps are not required and termination may immediately occur. Disciplinary action may take the form of counseling, admonishment, reprimand, demotion, suspension or dismissal. For the purposes of this Article, "day" means a calendar day unless otherwise expressed. If the last day of any time period stated herein shall fall on a Saturday, Sunday or legal holiday in the Town of Florence, then the duration of such time period shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday, or legal holiday in the Town of Florence. The Town Manager is the final authority on all matters related to employee discipline.

## **Section 902 - Reasons for Disciplinary Action**

Grounds for disciplinary actions include but are not limited to the following. This listing is not all inclusive. Other work rule violations or other actions which reflect poorly on the employee or the Town may also subject an employee to disciplinary action, up to and including termination from Town employment. This list only illustrates the type of inappropriate actions which may result in disciplinary action:

1. Incompetence, ineffective or substandard work performance, inattention to or dereliction of assigned duties and responsibilities.
2. Abusive attitude, language or conduct; or insubordination.
3. Negligence or carelessness
4. Any conduct resulting in injury to employees, wards of the Town or members of the general public.
5. Violation of any Town law, rule, regulation or policy, or any State or Federal law.
6. Conviction of a criminal offense.
7. Being found to be using, possessing, selling or transferring alcohol or illegal drugs on duty (including "medical marijuana" even if in possession of a legally-issued medical marijuana card); being found to be under the influence of alcohol or non-prescribed drugs while on duty, or at such a time as it could impact the employee's work performance or the safety of others; being found to be under the influence of prescribed drugs while on

duty when such legal use negatively impacts the employee's work performance or the safety of the employee and/or others.

8. Damaging Town property.
9. Absence from work without approved leave.
10. Failure to report for duty as scheduled.
11. Use of Town property for personal purposes without prior authorization.
12. Violation of the conflict of interest policy.
13. Abusing sick leave, workers compensation leave, or malingering.
14. Engaging in a strike or other similar organized employment action.
15. Engaging in any conduct, on or off the job, that might bring discredit to the Town service.
16. Falsification of Town records or other documents.
17. Falsification of the employment application or other employment records.
18. Engaging in any discrimination, sexual harassment or any other unlawful employment practice.
19. Failure to properly report an accident involving Town property or potential Town liability.
20. Violation of the violence in the workplace policy or the weapons in the workplace policy.
21. Revocation, suspension or loss of any certification or license when such certification or license is a mandatory requirement for the position.
22. Failure or refusal to obey a lawful order.
23. Engaging in prohibited political activity.
24. Any other action or inaction, malfeasance or misfeasance by any Town employee which, in the Town's sole discretion, warrants disciplinary action.

This list does not apply to employees who are deemed "at will" including but not limited to, probationary employees who may be terminated at any time, with or without cause and with or without notice.

This list is not an exclusive list of grounds or "good cause" for termination from the Town service. For employees who may only be terminated for good cause, the Town retains the right to terminate any employee for any reason it deems to constitute good cause.

### **Section 903 - Administrative Suspension**

The Town Manager (or his/her designee in a given case) may suspend an employee with pay (administrative leave with pay) pending an investigation or for any other reason as the Town Manager may deem appropriate. An administrative suspension with pay is not considered a disciplinary action in and of itself, and is not subject to the grievance or appeal procedures.

## **Section 904 - Levels of Disciplinary Action Imposed**

The Town may impose disciplinary action as appropriate under the given facts and circumstances. The decision as to what level of discipline to impose is the sole and exclusive decision of the Town. The Town Manager will have the final authority as to whether a particular level of discipline is appropriate in any given case. The following factors may be considered, if appropriate, in determining which level of discipline will be imposed in a particular case:

1. The seriousness of the offense.
2. The employee's work history and prior disciplinary actions.
3. Prior warnings or notice to the employee of the inappropriateness of the conduct.
4. The employee's longevity (or lack thereof) with the Town.
5. The exposure or liability risk to which the employee's conduct exposes the Town.
6. The Town's treatment of other similar cases in the past.

This list is not intended to be all-inclusive, nor is it intended to list the factors in any particular order of priority or importance. Other factors may be considered in a particular case in deciding an appropriate disciplinary action. Nothing in this policy shall be interpreted or construed as requiring the application of "progressive discipline" in any circumstance or set of circumstances. It is the sole and exclusive decision of the Town to choose and apply whatever level of disciplinary action it deems appropriate to any given circumstance or set of circumstances.

## **Section 905 - Levels of Disciplinary Action Available**

1. Counseling – Counseling is informal disciplinary action and is intended to point out problems and outline suggestions for resolution of those problems to employees. Counseling may take the form of verbal warning or counseling, written warning or counseling, or verbal or written performance improvement recommendations.
2. Admonishment - An admonishment is the least severe formal written disciplinary action and is intended to formally point out problems and outline suggestions for resolution of those problems to employees. An admonishment shall be in writing and a copy shall be forwarded to the Personnel Officer for insertion in the employee's personnel file
3. Reprimand - A reprimand may be issued by a department director or a designated representative to an employee for an offense not serious enough for suspension, demotion or dismissal. A reprimand shall be in writing and a copy shall be forwarded to the Personnel Officer for insertion in the employee's personnel file.
4. Disciplinary Suspension – A department director, with the approval of the Personnel Officer, may suspend an employee for up to two (2) days at any time for disciplinary reasons. The Town Manager may suspend an employee without pay for three (3) or more days at any time for disciplinary reasons. Exempt employees may not be suspended

without pay for disciplinary reasons for a period of time less than one day.

5. Disciplinary Demotion - Town Manager may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary reasons. A demoted employee shall be placed in the pay range assigned to the classification to which the employee is demoted as recommended by the Personnel Officer and approved by the Town Manager. To be subject to appeal, a demotion must involve a loss of pay. Final authority for demotions rests with the Town Manager.
6. Disciplinary Dismissal - The ultimate step in any disciplinary action is dismissal from the Town service. Final dismissal authority rests with the Town Manager.

### **Section 906 – Pre-Suspension/Demotion/Dismissal Due Process**

A department director who plans to recommend to the Town Manager that a regular employee be suspended for more than two (2) days, demoted, or dismissed, shall first provide notice to the employee of the intent to make the recommendation to the Town Manager. The notice shall include all of the facts upon which the disciplinary action is based. The employee will be allowed three working days to respond either orally, in writing, or both, giving cause why the recommendation should not be made. If the employee responds, the department director will first carefully evaluate the information provided by the employee, then either proceed with the recommendation to the Town Manager, or take other, lesser action as may be deemed appropriate. If the employee does not respond, the department director may proceed to make the recommendation to the Town Manager without further delay.

# ARTICLE X - GRIEVANCES AND APPEALS

## Section 1001 - Grievance Procedure

1. Matters Subject To Grievance - If an employee believes that (1) the Town, through its managers or supervisory personnel, violated, misinterpreted, or misapplied one of its express policies, regulations, administrative rules, state laws or federal laws, and (2) the grieving employee was negatively affected by the alleged violation or misinterpretation, or misapplication, then the Town employee may file a grievance. No other matters are subject to a grievance.

For the efficient operation of the Town, should a employee have an issue that is subject to this Grievance Procedure and also concurrently have an issue that is subject to the Appeal Procedure, the Town Manger may, in his/her discretion, after the employee's timely submittal of appropriate forms, order all matters to be decided pursuant to the Town's Appeal Procedure in one proceeding by so notifying the Town employee. Issues relating to employee performance evaluations, compensation/classification, and informal disciplinary actions (including counseling) are not matters subject to grievance under the provisions of this policy.

2. Grievance Procedure

Step One-*Informal Level* - An employee who has a problem or complaint subject to the Grievance Procedure must first immediately try to settle the matter through discussion with the immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee may discuss the matter with the next level of supervisor or the department director. Employees are obliged to make good faith efforts to resolve any dispute informally at the lowest possible level before proceeding up the chain of command or proceeding to the next steps in the Grievance Procedure. The employee must act expeditiously at all times to comply with the time lines set forth in this Grievance Procedure.

Step Two-*Written Grievance* - If the grievance is not resolved at the informal level, the employee may proceed to the second step of the procedure by writing the grievance, using the Town of Florence Employee Grievance Form. No writing shall be considered a grievance under this procedure unless it is submitted on the Town's form, is fully completed, and is submitted to the department director to whom the employee's department reports, within fifteen (15) working days following the incident about which the employee wishes to complain. The employee's written grievance must contain, at a minimum, the following information:

- A. An identification of the policy, regulation, administrative rule, state laws or federal laws that the employee believes the Town, through its managers or supervisory personnel, violated, misinterpreted, or misapplied;

- B. How the employee was negatively affected by the alleged violation or interpretation; and
- C. The employee's requested relief or remedy.

Upon receipt of a written grievance as defined by this section, the department director shall respond to the employee's written grievance in writing within five (5) working days of receipt of the grievance.

The employee may proceed to Step Three of this Grievance Procedure only under the following circumstances:

- A. The department director did not grant the employee's relief requested and the employee is dissatisfied with the department director's response; or
- B. The department director did not provide the employee with a written response within five (5) working days of the employee's grievance.

Step Three-Town Manager Decision - An employee who is eligible to proceed to Step Three of the Grievance Procedure (as set forth in Step Two) may submit a copy of his or her original written grievance, as well as the department director's written response (if any) to the Town Manager within five (5) working days of the department director's written response. The papers should be submitted to the Town Manager with a cover memo explaining that these documents are submitted to the Town Manager pursuant to Step Three of the Grievance Procedure. The employee may state in the cover memo the reason(s) the employee is dissatisfied with the department director's response to the grievance, if applicable, but may not add any additional or extraneous matters that were not considered by the department director in rendering his or her decision on the grievance.

Upon receipt of an employee's grievance pursuant to this procedure, the Town Manager may, in his/her sole discretion, decide to:

- A. Rule on the employee's grievance; or conduct further investigation and then rule on the employee's grievance; or
- B. Hold a meeting with the employee and/or any other person to gather more facts before ruling on the employee's grievance; or
- C. Appoint a Hearing Officer to conduct a hearing to consider the grievance and make a recommendation to the Town Manager; or
- D. Take some other action on the grievance as he/she, in his/her sole discretion, deems appropriate under the circumstances.

The Town Manager shall issue a written decision on the grievance. The decision of the Town Manager on any grievance is final and binding for all purposes.

Employees who habitually misuse or abuse the Grievance Procedure, or who repeatedly attempt to invoke the Grievance Procedure for matters that are not subject to grievance may, at the discretion of the Town Manager, be barred from using the procedure for a period of time as may

be deemed appropriate by the Town Manager under the facts of any particular case, and/or be subject to disciplinary action as provided in these rules.

## **Section 1002 - Appeal Procedure**

1. Purpose - The purpose of the Town's Appeal Procedure is to provide an internal mechanism by which employees may challenge a decision imposing a disciplinary suspension of more than two (2) days, a disciplinary demotion or disciplinary dismissal. The Appeal Procedure is designed to provide due process for all employees who are deemed to have a significant property interest in their employment with the Town of Florence. Employees who are considered to be "at will" by either the nature of their employment relationship with the Town or because they are terminated during the initial probationary period are not eligible to utilize this procedure to appeal a dismissal from the Town service.

This Appeal Procedure provides the exclusive remedy for any challenge that an employee was suspended for more than two (2) days, demoted or dismissed in violation of Town rules, ordinances, personnel policies or state or federal law. Therefore, any claim that an employee may wish to raise challenging a disciplinary action suspension of more than two (2) days, disciplinary demotion or disciplinary dismissal must be raised by following the procedures set forth in this policy, or it will be deemed waived. The decision made pursuant to this procedure is final and binding resolution of any issues raised for all purposes.

2. Matters Subject To Appeal - The only matters which may be appealed pursuant to this procedure are decisions imposing a disciplinary suspension (without pay) of more than two (2) days, disciplinary demotion or disciplinary dismissal (hereafter referred to as "appealable disciplinary actions"). Other matters which the employee contends *constructively* constitute a disciplinary suspension, disciplinary demotion or disciplinary dismissal must also be appealed pursuant to this procedure. Issues relating to employee performance evaluations and classification/compensation are not matters subject to appeal under the provisions of this policy.
3. Appeal Procedure – An eligible employee who wishes to commence an appeal of an appealable disciplinary action must submit a written request for an appeal to the Town Manager. Once an employee has been notified that he/she has been suspended without pay for more than two (2) days, has received a disciplinary demotion, or disciplinary dismissal, this Appeal Procedure must be invoked within ten (10) calendar days of the imposition of an appealable disciplinary action or the employee waives his/her right to appeal and any other remedy which may otherwise be available.

The employee must file a written request for an appeal of the appealable disciplinary action on the Town's Employee/Former Employee Appeal Form, setting forth the following items:

- A. Identification of the action that the employee contends was an appealable disciplinary action, including the effective date of the action;
- B. The reason(s) that the employee contends the imposition of the disciplinary action at issue was not appropriate in this case, by reference to facts, documents, other evidence or legal arguments; and
- C. The employee's relief requested.

Upon receipt of the written appeal request, the Town Manager shall appoint a Hearing Officer, who shall determine all administrative and scheduling issues relating to the appeal, and who will preside at the hearing. The Hearing Officer shall be responsible for scheduling the appeal hearing, and shall set a date and time for the hearing which is no later than sixty (60) calendar days after submittal of a valid Appeal Form. The Hearing Officer or his/her designee will notify the Town and the appellant of the scheduled date, time and place for the hearing. ARS Section 38-1101 relating to appeals of disciplinary actions by law enforcement officers is herewith incorporated by reference and shall supersede the provisions of this article as appropriate.

No less than ten (10) calendar days prior to the date set for the appeal hearing, the appellant and the Town shall submit to the Hearing Officer a list of witnesses to be requested, exhibits and other evidence which the employee and the Town intend to present at the hearing. Exhibits which are documentary in nature shall be attached. The appellant and the Town shall provide each other copies of the information at the same time the information is submitted to the Hearing Officer.

At the hearing, the Town shall be represented by the Town Attorney or designee. The appellant may represent him/herself, or be represented by an attorney licensed to practice law in the State of Arizona, at the employee's sole cost. The appellant shall appear personally at the hearing. Ordinarily the hearing will not exceed four hours in length, with the Town and the appellant each being allowed two hours to present their cases, including opening remarks, examination and cross-examination of witnesses, and closing statements. The Town or the employee may petition the Hearing Officer for additional time based on the complexity of the facts of the case, the number of witnesses needed, or any other legitimate reason, and the Hearing Officer may grant additional time, with both parties receiving the same time extensions.

The hearing shall be conducted in closed session, unless the appellant requests in writing that the hearing be open to the public and the Hearing Officer grants such request. If the employee elects to have a public hearing, this option must be requested prior to the start of all proceedings, or the right to have a public hearing is deemed waived. A record of the hearing proceedings shall be made, either by audio or videotape or by a court reporter, at the sole discretion of the Town. The hearing shall be informal with the

technical rules of evidence not applying to the proceedings except the rule of privilege recognized by law. After each party has made a brief opening statement, testimony and evidence shall be presented with cross-examination by the opposing party. After completion, each side shall briefly sum up its respective case and the hearing is concluded.

The Hearing Officer shall issue a statement of findings and a recommendation to the Town Manager within fifteen (15) days of the hearing. The Hearing Officer may recommend the disciplinary action be upheld, reversed, or may recommend some other (lesser or greater) disciplinary action be applied. Within ten (10) calendar days of receiving the Hearing Officer's recommendation, the Town Manager shall issue his/her decision to accept, reject or accept with modification, the Hearing Officer's recommendation. The Town Manager's decision is final and binding.

All time limits herein listed may be extended by order of the Hearing Officer, and/or by mutual agreement of the appellant and the Town.

### **Section 1003 - Final and Binding-Exclusive Remedy**

Any contention that the Town has failed to comply with any obligation it has made to an employee through its ordinances, personnel rules, or any other written or verbal commitments, must be raised pursuant to the Town's Grievance and Appeal Procedures, as set forth in these policies. Further, any contention that the Town has violated state or federal law in connection with any disciplinary suspension of more than two (2) days, disciplinary demotion or disciplinary dismissal must be raised in a timely manner pursuant to the Appeal Procedure, or it is deemed waived. The final decision rendered pursuant to the exhaustion of the Grievance and/or Appeal Procedure on any matter is a final and binding resolution of the issue for all purposes. Any failure of an employee to pursue any step of the grievance or appeal renders the last decision by the Town the final decision.

### **Section 1004 - Special Provisions-Sexual Harassment**

Because of the nature of the offense and the individuals sometimes involved, special procedures are established to deal with problems involving sexual harassment. The Town of Florence prohibits sexual harassment by all employees at all levels. Sexual harassment is defined as being unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An employee who feels that he/she is being subject to sexual harassment from anyone outside of Town employment should report such treatment to his/her supervisor. The supervisor shall take all necessary steps to remedy the situation and to report the complaint to the Human Resources Director. Any employee who feels he/she is being subject to sexual harassment from another Town employee or from a supervisor shall report the conduct and/or any incident to the department director, Town Manager or Human Resources Director. An investigation will be initiated and all such complaints will be treated in the strictest confidence except as necessary to investigate the allegation. After the investigation has been completed, the Town Manager will direct appropriate disciplinary action be administered to any employee found in violation of this policy.

# **ARTICLE XI - LEAVING THE TOWN SERVICE**

## **Section 1101 - Resignation**

An employee wishing to leave the Town service in good standing shall file with his/her department director at least ten (10) working days before leaving the service, a written resignation stating the effective date.

The resignation shall be forwarded to the Personnel Officer for processing and upon receipt, the Personnel Officer shall prepare all appropriate release documents. Failure to comply with the provisions of this article shall be entered into the employee's personnel file and may be cause for denial of future employment with the Town. Department directors may waive the notice requirement. The effective date of the resignation is the last day the employee actually works, except in the case where the resigning employee has been on an approved leave of absence in which case the effective date of the resignation shall be the date the written notice is filed. Pay in lieu of notice for up to two weeks of regular pay may be awarded to regular full-time employees who have completed the initial probationary period, at the discretion of the Town Manager.

Employees leaving the Town service shall turn in all Town property and clear all debts to the Town prior to receipt of the final paycheck. An exit interview will be scheduled for each employee resigning in good standing from the Town service as a way of obtaining comments and suggestions for improvements to the Town service.

## **Section 1102 - Retirement**

Eligible employees who retire from the town service shall file with the department director at least ten (10) working days prior to the effective date of retirement, a written notice stating the effective date of the retirement.

Employees leaving the Town service shall turn in all Town property and clear all debts to the Town prior to receipt of the final paycheck. An exit interview will be scheduled for each employee retiring from the Town service as a way of obtaining comments and suggestions for improvements to the Town service.

## **Section 1103 - Reduction In Force**

The Town Manager may direct a reduction in force through layoff because of material changes in duties or organization, or shortage of work or funds. Whenever possible, employees to be laid off will be given a two-week notice. To determine which employee(s) are to be laid off, the

Town Manager may take into consideration length of continuous, regular service to the Town employee skills, certifications, training and job knowledge, employee job performance as determined by performance evaluations, and other factors as may be deemed appropriate.