

# **City of Flagstaff**

## **Employee Handbook of Regulations**

**This Handbook Includes All Policies the City Has Adopted  
Since 1980 to August 2019**

- A. Ord. No. 1116, Enacted 06/03/1980
- B. Ord. No. 2003-21, Amended 11/08/03
- C. Ord. No. 2004-25, Amended 12/21/04
- D. Ord. No. 2006-21, Amended 09/19/06
- E. Ord. No. 2007-39, Amended 08/07/07
- F. Ord. No. 2009-12, Amended 07/01/09 (Addendum 1)
- G. Ord. No. 2010-10, Amended 06/08/10 (Addendum 2)
- H. Ord. No. 2010-33, Amended 02/15/11 (Addendum 3)
- I. Ord. No. 2012-14, Amended 08/22/12 (Addendum 4)
- J. Ord. No. 2013-09, Amended 04/16/13 (Addendum 5)
- K. Ord. No. 2014-32, Amended 01/06/15 (Addendum 6)
- L. Ord. No. 2015-14, Amended 09/01/15 (Addendum 7)
- M. Ord. No. 2017-12, Amended 07/01/17 (Addendum 8)
- N. Ord. No. 2017-26, Amended 10/19/17 (Addendum 9)
- O. Ord. No. 2018-18, Amended 06/05/18 (Addendum 10)
- P. Ord. No. 2018-19, Amended 07/03/18 (Addendum 11)
- Q. Ord. No. 2018-26, Amended 09/20/18 (Addendum 12)
- R. Ord. No. 2018-31, Amended 09/04/18 (Addendum 13)
- S. Ord. No. 2018-35, Amended 11/06/18 (Addendum 14)
- T. Ord. No. 2018-36, Amended 11/06/18 (Addendum 15)
- U. Ord. No. 2018-39, Amended 01/10/19 (Addendum 17)
- V. Ord. No. 2019-10, Amended 07/02/19 (Addendum 18)

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# **City of Flagstaff Employee Handbook of Regulations Revised 01/10/19**

## **ARTICLE 1-10. GENERAL PROVISIONS**

### **1-10-010. GENERAL DISCLAIMER**

The rules, policies, and procedures set forth in this Ordinance shall not constitute an employee contract

The programs and policies described in this Ordinance shall be those in effect at the time of printing. The City of Flagstaff (“City”) reserves the right to improve, eliminate, or change any program or benefit described herein whenever it is practical or appropriate. The provisions of this Ordinance may be formally modified, amended, or repealed at any time, and no person shall be deemed to have acquired any vested interest in any position based on prior policies or procedures that are hereby superseded by amendment and/or modification.

In the event that the actual application of the City’s policies, practices, procedures, or benefit plans appears to differ from statements or information contained herein, the correct application thereof shall be finally determined by the Flagstaff City Manager or designee.

### **B. INTRODUCTION**

To ensure that policy interpretations are consistent, the City’s Human Resources Director or designee shall be responsible for interpreting policy application and intent. The Human Resources Director’s interpretations shall be applicable to all City employment situations. All references to “Human Resources Director” shall include that person’s designee.

Nothing in this Ordinance shall constitute a contract, either express or implied, between the City Council and the City employees, for either employment or for any benefit. All policies herein are subject to change through the continuing approval, revision, amendment or modification process of the City Council.

The City Council may alter, eliminate, or add to any of the provisions of this Ordinance through the formal amendment process at any time and for any lawful reason, and such alterations, eliminations, or additions shall apply to all City employment situations from the time of their inception.

### **C. PURPOSE**

The general purpose of this Ordinance is to establish a system of personnel administration. This system shall provide means to recruit, select, develop, and maintain an effective and responsive work force and shall include policies and procedures for

employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, leaves, discipline, discharge, and other related activities.

#### **D. ADMINISTRATION OF THE RULES**

The responsibility for the administration of these Rules and Regulations rests with the City Manager, the Deputy City Manager, and the Human Resources Director. In order to establish uniform administration of these policies, the Human Resources Director, after consulting with the City Manager, may publish a comprehensive administrative manual which serves as the official communication for implementing policy; establishing procedures; and issuing regulations, orders and announcements.

#### **E. SEVERABILITY**

Should any article, paragraph, sentence, clause or phrase of this Ordinance or the application of same to a particular set of persons or circumstances be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby, it being the intent that the provisions of this Ordinance are severable.

#### **1-10-010.01. GENERAL DEFINITIONS (RENUMBERED)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Intermittent Leave” is leave in separate blocks of time.

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 2013-09, Amended 05/07/13); (Ord. No. 2017-12, Amended 07/01/17); (Ord. No. 2018-18, Amended 06/15/18); (Ord. No. 2018-26, Amended 09/20/18); (Ord. No. 2018-35, Amended 11/06/18); (Ord. No. 2019-10, Amended 07/02/19)

## **1-10-011. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the policy of the City of Flagstaff to ensure equal employment opportunity to all qualified persons based solely upon an individual's ability to perform the essential functions of the job without discrimination or harassment on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status or any other status protected by law. Federal definitions may be found by visiting the resource links provided below.

The City's equal employment policy applies to all human resources related activities such as recruitment and hiring, compensation, benefits, promotions, transfers, reductions in force, City-sponsored training, termination and all other terms and conditions of employment.

Employment discrimination based upon an employee's race, color, sex, religion or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended while discrimination based upon an employee's disability is a violation of the Rehabilitation Act of 1973, American with Disabilities Act of 1990 and the Americans with Disabilities Amendment Act of 2008. Age discrimination is a violation of the Age Discrimination in Employment Act of 1967 as amended.

The Human Resources Division has overall responsibility for this policy and maintains reporting and monitoring procedures. The Human Resources Director or designee is designated as the City's Equal Employment Opportunity Officer and the Affirmative Action Officer. The Human Resources Director or designee will be available to all employees and applicants to handle any matters regarding Equal Employment Opportunity.

Disciplinary action may be taken against any employee willfully violating this policy, up to and including termination.

Sexual orientation and gender identity are currently not protected by State or Federal Law, so the City has adopted the following definitions for the purposes of City policy.

1. Sexual orientation refers to whether a person is romantically or sexually attracted to other adults of a different sex, the same sex, or both.
2. Gender identity is an individual's inner sense of belonging to a particular sex, male or female, regardless of whether this corresponds to his or her anatomical sex.

Links: [Title VII of the Civil Rights Act of 1964](#)  
[Pregnancy Discrimination Act of 1978](#)



[Rehabilitation Act of 1973](#)  
[American with Disabilities Act of 1990](#)  
[Americans with Disabilities Amendment Act](#) of 2008  
[Age Discrimination in Employment Act](#) of 1967  
[Genetic Information Non-Discrimination Act of 2008](#)

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

**1-10-012. AFFIRMATIVE ACTION**

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) requires Federal contractors and subcontractors take affirmative action to recruit and advance qualified minorities, women, persons with disabilities, and covered veterans. As a government contractor the City has developed an Affirmative Action Program (AAP). The program is a tool designed to ensure equal employment opportunity in policies, practices and procedures relating to recruitment and hiring, advancement and all other terms and conditions of employment.

**A. RESPONSIBLE PARTIES**

1. The City Manager, as chief executive, is responsible for oversight of the Affirmative Action Program (AAP) to ensure compliance.
2. The Human Resources Director or designee is the City's Affirmative Action Officer (AAO) responsible for the design and effective implementation of the AAP by:
  - a. Developing Equal Employment Opportunity (EEO) policy statements and affirmative action plans.
  - b. Maintaining workforce, job group and utilization analysis every other year with the completion of the EEO-4. The EEO-4 is a survey completed biennially in every odd-numbered year. Under the Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission requires workforce data from local governments with 100 or more employees. The City provides information on employment totals, employees' job category and salary by sex and race/ethnic groups as of June 30 of the survey year.
  - c. Assisting in the identification of potential AAP/EEO problem areas.
  - d. Assisting management in arriving at effective solutions to AAP/EEO problems.

- e. Designing and implementing an internal audit and reporting system that measures the effectiveness of the program and identifies the need for remedial action.
  - f. Informing the City Manager of statistical analysis, potential AAP/EEO problem areas and program progress on a quarterly basis.
  - g. Training supervisors on the AAP and related personnel policies.
  - h. Maintaining equal employment postings on the company's bulletin board to ensure information is up-to-date.
  - i. Documenting statistical data, applicant flow logs, summary of personnel actions such as new hires, promotions, resignations, terminations and layoffs, and records pertaining to the classification and compensation system.
  - j. Serving as liaison between the City and enforcement agencies, groups, or organizations concerned with Equal Employment Opportunity.
3. Division Director, Section Heads and Supervisors will assist with the implementation of the Affirmative Action Program (AAP) by:
- a. Identifying problem areas, formulating solutions, and establishing goals and objectives within their respective areas when necessary. All area specific plans will be published on the [Human Resources website](#).
  - b. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur.
  - c. Conducting regular evaluations of an employee's job performance to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

## B. AFFIRMATIVE ACTIONS

The City's Affirmative Action Plan is on file with the Human Resources Director's Office. The plan includes but is not limited to the following measures to eliminate potential AAP/EEO problem areas.

- b. Conducting ongoing analyses of job descriptions to ensure they accurately reflect job functions.

- c. Training hiring supervisors on proper interview techniques and equal employment opportunity to ensure the selection process is free from bias.
- d. Including “Equal Opportunity/Affirmative Action Employer” in all printed employment advertisements and vacancy announcements.
- e. Placing employment advertisements, when appropriate, in local minority news media and women’s interest media.
- f. Requesting employment agencies to refer qualified minorities and women.
- g. Ensuring all employees are given equal opportunity for promotion by posting promotional opportunities and offering assistance to employees in identifying training and education opportunities to enhance promotional opportunities.

Links: [U.S. Equal Employment Opportunity Commission](#)  
[U.S. Department of Labor – Office of Federal Contract Compliance Programs](#)

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

**1-10-013. NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

The City of Flagstaff is committed to a work environment in which all individuals are treated with respect and dignity. The purpose of this policy is to establish expectations for employee conduct within the workplace and to provide a complaint process for employees who feel as if they have been discriminated against or harassed within the workplace by anyone.

Each employee of the City is expected to refrain from discrimination, harassment and retaliation within the workplace, and shall treat all persons (including but not limited to co-workers, third parties and the public) with respect and dignity. Any individual employee who violates these guidelines and engages in prohibited conduct will be subject to appropriate disciplinary action up to and including termination.

It is the policy of City of Flagstaff to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran’s status or any other characteristics protected by law. The City prohibits and will not tolerate any such discrimination or harassment.

a. **DEFINITIONS**

- 1. Discrimination means to exclude individuals from an opportunity or participation in any activity because of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran’s status, familial status, caregiving

responsibilities, and occurs whenever similarly situated individuals of a different group are accorded different and/or unequal treatment in the context of a similar situation.

2. Harassment is unwelcomed conduct related to race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status, familial status, or caregiving responsibilities where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.
3. Hostile work environment is one in which an employee is regularly confronted with offensive conduct, comments, jokes, cartoons or remarks based upon characteristics protected by law, that make it difficult for an employee to perform his or her job. A hostile work environment does not need to be limited to sex-based conduct, and may include conduct or comments based upon race, color, religion, national origin, age, disability, sexual orientation, gender identity or any other characteristics protected by law. Generally, the conduct that creates a hostile work environment is repeated behavior which is sufficiently severe or pervasive to affect the terms and conditions of employment.
4. Retaliation is to discriminate against an individual because he or she has opposed any practice made unlawful under the Federal employment discrimination statutes. This protection applies if an individual communicates to his or her employer or to a state or federal agency charged with investigating discriminatory conduct a belief that activity constitutes a form of employment discrimination that is covered by any of the statutes enforced by the Arizona Civil Rights Division of the Arizona Attorney General's office or the Equal Employment Opportunity Commission (EEOC).

b. HARASSMENT

Harassment on the basis of any other protected characteristics is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, pregnancy national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status or any other characteristic protected by law that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or

3. Otherwise adversely affects an individual's employment opportunities.
4. Harassing conduct includes, but is not limited to:
  1. Epithets, slurs or negative stereotyping;
  2. Threatening, intimidating or hostile acts; or
  3. Denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

c. **SEXUAL HARASSMENT**

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when for example:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - a. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - b. 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.
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different sex. Depending on the circumstances, these behaviors may include, but are not limited to:
  - a. Unwanted sexual advances or request for sexual favors;
  - b. Sexual jokes and innuendos;
  - c. Verbal abuse of a sexual nature;
  - d. Commentary about an individual's body, sexual prowess or sexual deficiencies;
  - e. Leering, catcalls or touching;
  - f. Insulting or obscene comments or gestures; and/or

- g. Display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail).
- 3. For purposes of clarification, sexual harassment or other forms of unlawful harassment include, but is not limited to the following behaviors:
  - a. Verbal Harassment: Derogatory comments, propositioning, slurs, or other offensive words or comments on the basis of any protected status; whether made in general, directed to an individual or to a group of people, regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate comments on appearance, including dress or physical features, sexual rumors, code words, and stories.
  - b. Physical Harassment: Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of any protected class status. This includes such behaviors as pinching, patting, grabbing, or making explicit or implied threats or promises in return for submission to physical acts.
  - c. Visual Forms of Harassment: Derogatory, prejudicial, stereotypical, or other offensive posters, photographs, cartoons, notes, bulleting, drawings, screensavers, pictures, or articles of clothing that refers to any protected status or characteristic. This applies to posted materials, material maintained in or on City of Flagstaff property or equipment, or personal property in the workplace.
- 4. Harassment not involving sexual activity or language (e.g. male manager yells only at female employees and not males) may also constitute sex discrimination if it is severe or pervasive and directed at employees because of their sex.

#### D. INDIVIDUALS AND CONDUCT COVERED

These policies are intended to protect all employees from harassment, discrimination or retaliation whether by fellow employees, by a supervisor or manager or by a third party (e.g. a City contractor, vendor, consultant, customer, or the public).

These policies are also intended to ensure employees treat third parties with respect and dignity.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside of the workplace, such as during business trips, business meetings and business-related social events.

All complaints of harassment, discrimination and retaliation should be reported as outlined in section 1-40-014 Complaint Policy.

#### E. RETALIATION IS PROHIBITED

The City of Flagstaff prohibits retaliation of any kind by an employee, supervisor or manager because an employee filed a complaint or participates in an investigation of a complaint. Retaliation shall be deemed to include, but are not limited to:

1. Disciplining, or changing a work assignment or working conditions; and
2. Threatening promotional opportunities, job securities, benefits, terms of employment or any other service related benefits or privileges.

#### F. RESPONSIBLE PARTIES

- a. The Human Resources Division shall be responsible for formally notifying employees of the City's policy and regularly conducting training on the topics of harassment, discrimination and retaliation.
- b. Supervisors and managers are responsible for ensuring that harassment, discrimination, retaliation or other prohibited actions do not occur in the workplace. The supervisor or manager shall immediately report any prohibited behaviors to the Human Resources Director or designee for investigation and possible corrective action. If the subject of the complaint is a supervisor, the complainant is to report the matter to the Human Resources Director or designee.
- c. Employees who witness prohibited actions of harassment, discrimination or retaliation are required to report such conduct. Employees are required to cooperate in investigations related to this policy by coming forward with evidence and fully and truthfully making a written report or verbally answering questions when requested by an investigator.

#### G. REPORTING COMPLAINTS

All complaints of harassment, discrimination or retaliation shall be reported to the immediate supervisor, Section Head, Division Director or the Human Resources Director or designee. All complaints of harassment, discrimination and retaliation will be thoroughly investigated as outlined in section 1-10-021 Complaint Policy.

Links: [Equal Employment Opportunity Commission Guidelines](#)

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

## **1-10-014. AMERICANS WITH DISABILITIES ACT**

It is the policy of the City not to discriminate against qualified individuals with disabilities in its hiring or employment practices such as advancement, discharge, compensation, training or other terms, conditions, and privileges of employment. The Americans with Disabilities Act (ADA) and subsequent Americans with Disabilities Amendments Act (ADAA) require employers to reasonably accommodate qualified individuals with disabilities.

The City shall not ask a job applicant about the existence, nature, or severity of a disability or medical condition. Applicants may be asked about their ability to perform specific job functions. Job specific medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.

The City shall make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request, unless the accommodation would cause an undue hardship on the operation of the City's business. To the extent its selection criteria for employment decisions have the effect of disqualifying an individual because of disability; those criteria must be job-related and consistent with business necessity. Employees' medical information shall be maintained separately from personnel files and protected by confidentiality.

In order to meet the federal and state mandated requirements relating to the Rehabilitation Act of 1973, Americans with Disability Act (ADA) and its amendments, the following internal process will be used.

### **A. DEFINITIONS**

1. "Disability" refers to a physical or mental impairment that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.
2. "Direct threat to safety" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
3. "Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

### **B. REASONABLE ACCOMMODATION**

Prospective or current employees of the City of Flagstaff may request that the City undertake a "reasonable accommodation" evaluation. The purpose of the evaluation is to determine if the qualified individual with a disability is able to perform the essential



functions of the job for which they are an applicant or currently hold without creating an undue hardship on the City.

1. Any persons having a disability, or acting on behalf of a person having a disability, may file a City of Flagstaff Request for Reasonable Accommodation (RRA). If the RRA form is unavailable, the correspondence to the City must include the following information:
  - a. Name of the person making the inquiry;
  - b. Telephone number of the person making the inquiry;
  - c. Address of the person making the inquiry;
  - d. Name of the person for whom the accommodation is being requested;
  - e. Nature of disability involved;
  - f. Position for which the request for reasonable accommodation is being made;
  - g. Length of current disability; and
  - h. Work related needs according to the disabled individual.
2. The City will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of the job. An individual who can be reasonably accommodated for a job, without undue hardship to the organization, will be given the same consideration for the position as any other applicant.
3. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace that cannot be eliminated by reasonable accommodation will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave, paid or unpaid depending on the circumstances, until an organizational decision has been made in regard to the employee's immediate employment situation.
4. Upon receipt of the request for a reasonable accommodation, the Human Resources Director or designee will provide a copy of the employee's current job description and request that the employee review this with their treating physician in order to confirm the limitations of the employee.

5. Upon receipt of the employee's limitations, the Human Director or designee will meet with the person making the inquiry. The Human Resources Director or designee will inform the inquiring person in writing of the outcome of this request. This written notice will be mailed to the address of the person making the inquiry as listed on the RRA form unless otherwise requested.
6. The City will attempt to resolve all requests for reasonable accommodation within thirty (30) calendar days of the receipt of the RRA form or letter.
7. The City may review the status of an accommodation in circumstances where the disability is not deemed permanent.

### C. RECORDS

Medical information obtained concerning individual requests for disability accommodation shall be kept confidential, except for the following circumstances:

1. Supervisors or managers may be informed regarding restrictions concerning the work or duties of disabled individuals, and regarding necessary accommodation needs.
2. First aid and safety staff may be informed when and to what condition might require emergency medical treatment.
3. Government officials investigating compliance shall be informed.

Form(s): [Request for Reasonable Accommodation](#)

Links: [Rehabilitation Act of 1973](#)  
[Americans with Disability Act](#) of 1990  
[Americans with Disability Amendments Act](#) of 2008

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

### **1-10-021. COMPLAINT PROCEDURE**

The purpose of the complaint procedure is to outline reporting procedures for City employees or non-City employees who feel they have been subjected to harassment, discrimination or retaliation. All complaints of harassment, discrimination or retaliation will be thoroughly investigated in a timely manner.

It is the policy of the City of Flagstaff that there is fair treatment in workplace matters. Unlawful discrimination, harassment, and retaliation shall not be tolerated.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination or retaliation. The City requires the prompt reporting of complaints or concerns within six months of the event which is the subject of the complaint, so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Employees who are unsure if treatment rises to the level of harassment, discrimination or retaliation may seek the assistance of the Human Resources Director or designee. The Human Resources Director or designee will discuss the situation with the employee and provide guidance. These conversations will be documented by the Human Resources Director or designee and may remain informal and confidential between the employee and the Human Resources Director or designee, unless the treatment is severe and pervasive. This provides an employee the opportunity to understand how treatment may relate to City policies and state or federal laws and what are appropriate next steps.

#### A. REPORTING

1. Employees who feel they have been subjected to harassment, discrimination or retaliation are encouraged to try and solve the problem directly by politely and firmly confronting the individual and tell them to stop. If the employee is not comfortable doing this they should take the issue to their immediate supervisor, Section Head, Division Director, or Human Resources.
2. The City of Flagstaff requires the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, Section Head, or Division Director, or the Human Resources Director or designee before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives above.
3. Employees filing a complaint will be encouraged to provide a written and/or recorded statement about their knowledge of the alleged incident. Verbal complaints will be treated with equal seriousness. However, in order to conduct a thorough investigation, the reporting party is encouraged to submit written documentation. The employee or non-City employee should be prepared to provide the following information:
  - a. His or her name, division and position title;

- b. The name of the person or persons committing the harassment, discrimination or retaliation and their job title;
  - c. The specific nature of the harassment, discrimination or retaliation, how long it has gone on, specific dates and any employment action taken against you or any threats made against you as a result of the harassment, discrimination or retaliation;
  - d. Witnesses to the harassment, discrimination or retaliation; and/or
  - e. Whether you have previously reported such harassment, discrimination or retaliation and, if so, when, to whom and what happened as a result of that report.
4. Any supervisor who becomes aware of possible harassment, discrimination or retaliation of an employee, either as a result of having received a complaint directly from the employee, from any reliable source of information or from his or her personal observation, must report the situation in writing to the Human Resources Director or designee immediately. Any manager or supervisor who fails to report harassment, discrimination or retaliation may be subject to discipline, up to and including termination.

## B. THE INVESTIGATION

1. The Human Resources Director or designee shall be responsible for overseeing the investigation and all resulting records. The Human Resources Director or designee may delegate the investigation to another City employee or third-party agent at his or her discretion. In the event the complaint is against a member of the City Council or a Council appointed position such as the City Manager, City Attorney or Presiding Magistrate, the investigation shall be referred to an outside agency. In the event the complaint is against the Human Resources Director, the investigation will be referred to the City Manager or their designee.
2. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
3. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
4. Based upon the investigator's report, the Human Resources Director or designee and/or the City Manager or designee shall, within a reasonable

amount of time, determine whether the conduct of the person against whom a complaint has been made constitutes a violation of the City's policies.

5. Following the investigation of a complaint, the Human Resources Director or designee shall report the facts of the investigation to the City Manager or designee and the Division Director. In cases where it is determined a violation has occurred, the City will take appropriate disciplinary action up to and including termination.

#### C. RESPONSIVE ACTION

1. Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately.
2. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as a verbal warning, reprimand, withholding of a promotion or pay increase, reduction in wages, demotion, reassignment, temporary suspension without pay, or termination, as the City believes appropriate under the circumstances to correct and prevent harassment, discrimination or retaliation.
3. If an employee making a complaint does not agree with the resolution, the employee may formally appeal in writing to the City Manager or designee within five (5) working days.

#### D. RECORDS

Complaint records will not be filed or maintained with any other employment information concerning employees, but will be kept as a distinct system of records. If a complaint results in disciplinary action against an employee, the record of that action will be maintained with the employee's personnel records. The accessibility of investigation records will be limited to the City Manager, Deputy City Manager or appointed representatives; except to the extent required by law. Upon receipt of a public records request, the Human Resources division or City Clerk section will notify the complaining employee and subject of the complaint of the request.

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

#### **1-10-022. GRIEVANCE PROCEDURE**

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

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

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

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

#### A. FILING PROCESS

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

#### B. RESPONSE PROCESS

1. The supervisor shall notify the Section Head, Division Director and Human Resources Director or designee of the grievance and consult with these parties before their response.
2. The supervisor may meet with the employee prior to the response in order to seek clarification.
3. The response to a grievance shall be in writing, signed by the supervisor, and include the following information:
  - a. A clear and concise response to the grievance and the facts upon which it is based;

- b. The section(s) of the City of Flagstaff Employee Handbook of Regulations or other City policy which apply to the grievance and basis for the decision; and
  - c. Denial or acceptance of the proposed remedy or alternative. The supervisor shall include information regarding the next steps in the process, if denying the remedy or alternative.
4. The supervisor shall meet with the employee to discuss the grievance response within five (5) working days after the grievance is initiated.

C. APPEAL PROCESS

1. After receiving the written response from the supervisor, if the employee does not feel the grievance is satisfactorily resolved, the employee may file an appeal with the next level of supervision within five (5) working days in writing and shall include the reason for the appeal and why the previous response was unsatisfactory.
2. The next level of supervision shall discuss the grievance with the employee within five (5) working days, gather information from others involved or having information pertinent to the issue, and then shall provide a written response to all parties within five (5) working days of the meeting. This appeal process will continue through the chain of command to the City Manager.
  - a. At each succeeding step the employee shall state in writing the reason for his or her appeal and why the previous response was unsatisfactory.
  - b. At each succeeding step the supervisor or manager shall respond in writing to the grievance stating the reason and basis for the decision that was rendered.
  - c. The decision of the City Manager's Office is final. The Deputy City Manager and City Manager will consult and provide the final ruling.
3. All grievance documents should be forwarded to the Human Resources office for record retention.

(Ord. No. 2012-14, Amended, 10/02/12); (Ord. No. 2019-10, Amended, 07/02/19)

**1-10-030. EMPLOYMENT CATEGORIES**

**A. APPOINTED POSITIONS**

The following City offices will be appointed by City Council in accordance with the City Charter:

1. City Attorney
2. City Magistrate(s)
3. City Manager

The following City offices will be appointed by the Flagstaff Metropolitan Planning Organization (FMPO) Executive Board in accordance with the Intergovernmental Agreement:

1. FMPO Executive Director

**B. UNCLASSIFIED SERVICE**

1. Unclassified service positions are created to provide a responsive management team to carry out the goals and policies of the City of Flagstaff. The unclassified service is made up of administrative/professional and some technical employees, otherwise known as exempt. These are executive, administrative, or professional positions which are from overtime as determined by the provisions of the Fair Labor Standards Act (FLSA). The Deputy City Manager, all Department and Division Heads, certain supervisory, technical, and professional positions fall under this category. Employees under this classification do not serve a probationary period.
2. Exempt employees shall be entitled to all regular benefits and leaves, unless stipulated in a specific Article or Section.
3. The grievance procedure and right of appeal to the Personnel Board shall not apply to exempt personnel as cited in this Section.

**C. CLASSIFIED SERVICE**

1. The objective of the classified service is to facilitate efficient and economical services to the public. "Classified staff" describes positions which are eligible for overtime compensation under the provisions of the Fair Labor Standards Act (FLSA) and are considered non- under the FLSA. These positions are typically clerical, technical, administrative/professional support, skilled craft, or service/maintenance in nature. Some positions may include supervisory responsibilities or may



involve varying degrees of independent judgment and discretion. These positions may be full or part time.

2. The following principles will apply to classified staff:
  - a. Employment by the City shall be based upon merit and fitness, free of personal and political consideration.
  - b. Appointments, promotions, and other actions shall be based on systematic examinations and/or evaluation and any other information concerning work performance.
  - c. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
  - d. In general, all classified employees shall be assigned a salary range in the compensation schedule.
  - e. Continuation of employment for employees shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, and the availability of funds.
3. Upon satisfactory completion of their probationary period, classified employees are considered tenured.
4. Classified employees who have completed their probationary period, shall have appeal rights to the Personnel Board if dismissed, demoted, or suspended for ten (10) working days or more.

#### D. TEMPORARY SERVICE

1. Temporary employees may work part time for an entire fiscal year at fewer than twenty (20) hours per week, or may work full time twenty (20) hours or more per week for up to nineteen (19) weeks in a fiscal year and then may work the remainder of the year at fewer than twenty (20) hours per week. Under this schedule temporary employees are not required to contribute to the Arizona State Retirement System.
2. Temporary employees may also work 20 or more hours per week for up to 26 weeks in a fiscal year and an additional 45 days intermittently. Under this schedule they are required to contribute to the Arizona State Retirement System.
3. If a temporary employee works 27 weeks or more at 20 hours or more per week (whether consecutive or not), they become benefit eligible.

4. Temporary employees may be dismissed at any time, without cause, without notice, and without a statement of reasons or access to the Personnel Board. However, temporary employees shall have the right to file formal grievances under the Grievance Procedure (Article 1-90).
5. For those temporary employees who are assigned to work twenty (20) or more hours per week for a continuous period of one (1) year or more (i.e., grant personnel or military replacements) are eligible for employee benefits, however, they do not have access to the Personnel Board.

E. EMPLOYMENT STATUS

1. **Tenured Employees:** Tenured employees are those who are in the Classified Service and who are assigned to work twenty (20) or more hours per week, occupy budgeted positions, and who are not serving a probationary period. (All City positions, with the exception of some grant-funded positions, are budgeted on a fiscal year basis.) Employees in this category are entitled to City-defined employee benefits. Employees in this category have the right to appeal to the Personnel Board as indicated in Article 1-10 and the right to the Grievance Procedure in Article 1-90.
2. **Probationary Employees:** Probationary employees are those who have been hired as classified employees and have been employed for fewer than six (6) months or fewer than twelve (12) months for Public Safety and/or who are serving a subsequent probationary period in accordance with an extension of an initial probation. Time served while on temporary status does not count toward completion of probationary status time requirements. An employee who is completing his/her probationary period may be dismissed at any time and for any cause and does not have access to the Personnel Board. However, he/she may petition for review by the City Manager within five (5) calendar days from receipt of the notice of dismissal.

Employees who are completing an administrative review due to a promotion shall have access to the Personnel Board as outlined in Article 1-10-040.

3. **Exempt Employees:** Exempt employees are those who are employed in an administrative, technical, or professional position or any other FLSA category (Unclassified Service). The grievance procedure and right of appeal to the Personnel Board do not apply to this group of employees.

(Ord. No. 2018-36, Amended, 11/06/18)

**1-10-040. PERSONNEL BOARD**

- A. The Personnel Board is appointed by the City Council. The Personnel Board is responsible for determining that the City has followed proper procedures in matters concerning the dismissal, demotion, or suspension without pay of ten (10) working days or more.
  
- B. Membership and Responsibility of the Personnel Board
  - 1. The City Council shall appoint seven (7) individuals to serve on the Personnel Board and the terms shall be for five years.
  - 2. Any member who misses two consecutive hearings may cease to be a member of the Board, contingent upon Council action.
  - 3. No member of the Personnel Board shall hold any other paid municipal position.
  - 4. The Human Resources Director shall be an ex officio member of the Board and shall be allowed to take part in all actions of the Board, except for making motions and voting.
  - 5. A majority of the Board shall constitute a quorum for the transaction of business.
  - 6. The Personnel Board shall determine the order of business for the conduct of its meetings.
  - 7. The Board shall meet on call by the Chair or Secretary or a majority of the members of the Board.
  - 8. The Board shall hear appeals submitted by any tenured employee in the classified service in relation to dismissal, demotion, or suspension.
  - 9. The provisions of this Section shall not apply to reductions in pay via reclassifications or other matters described in Article 1-90 (Grievance Procedure).
  
- C. Request for Hearing
  - 1. Any tenured employee in the classified service who has been dismissed, demoted, or suspended, and any classified employee who has been disciplined under Sections 1-40-090, 1-40-110, or 1-40-120, shall be entitled to a written statement of the reasons for such action.
  - 2. The employee shall have up to seven (7) calendar days from receipt of reasons to answer the charges and request a hearing before the Personnel

Board. The response must be in writing and state why the employee believes the discipline is improper and the relief requested and must be submitted to the Human Resources Director.

3. Upon the filing of an appeal, the Human Resources Director shall set a date and place, with concurrence of the Board Chair, for a hearing on the appeal, not less than ten (10) calendar days nor more than thirty (30) calendar days from the date of filing. The Human Resources Director shall notify all interested parties of the date, time, and place of hearing.

D. Form of Hearing

1. The employee shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the hearing. Hearings shall be conducted by rules set by the Personnel Board and approved by the City Council. All such rules shall be reviewed by the City Attorney and forwarded to the Council with comments.
2. The employee has the right to be represented by any willing person of his/her choice; however, the City is not liable for any cost or expense incurred for such representation. The employee must notify the Human Resources Director as to whom, if anyone, will be representing him/her at the hearing at least two (2) working days prior to the commencement of the hearing.
3. When a case is brought before the Personnel Board, the Department Head or a City representative, shall prepare and present the City's case to the Personnel Board.

E. Witnesses and Exhibits

1. The Board, shall have the power to examine witnesses under oath when conducting a hearing.
2. The Chair or Acting Chair of the Personnel Board shall have the power to administer oaths to witnesses.
3. A list of witnesses must be submitted to the Human Resources Director prior to the hearing. Once both parties have provided their witness lists, copies will be exchanged between the employee and the supervisor.
4. All documents/exhibits that will be presented as evidence during the hearing will be submitted to the Human Resources Director prior to the hearing. Once these documents/exhibits have been submitted they will be provided to both parties.

F. Closing Decision

1. Upon conclusion of the hearing the findings and recommendations of the Personnel Board shall be forwarded to the City Manager or designee for action. The City Manager or designee shall accept in whole or in part, or deny, said findings and recommendations. The decision of the City Manager or designee shall be final. No additional evidence, testimony, or comments will be considered by the City Manager or designee once the hearing has been officially closed. When the hearing is closed, only the evidence, testimony, and comments made prior to the official closing will be considered.

G. Disposition of Records

1. All records pertaining to the hearing will be maintained by the Human Resources Division and will not become part of the employee's personnel record. All documents provided to the City Manager or designee and/or Board shall be returned to the Human Resources Division at the completion of the process.

(Ord. No. 2007-39, Amended, 08/07/07)

**1-10-050. POSITION CLASSIFICATION PLAN**

- A. The Human Resources Director shall be responsible for the classification of all positions on the basis of the kind and level of the duties and responsibilities of the positions, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same method of evaluation for competence, and the same salary range.
1. A job class may contain one or more positions.
  2. Classification of all positions shall require a study and recommendation by the Human Resources Director and approval of the City Manager.
- B. The classification plan of all positions shall provide class titles, descriptions of duties and responsibilities, qualifications, and other requirements as deemed necessary by the Human Resources Director. The plan shall be amended as the duties, responsibilities, and employment conditions change. The plan shall be audited as required for changes which may have occurred.
1. The Human Resources Division shall maintain copies of current specifications for all classes of employment.
  2. The specifications shall include title; example of work performed; distinguishing features of work; required knowledge, skills, and abilities;

desirable experience and training; and for classes requiring special licensing or requirements, a statement of such shall be included.

3. The class specifications are descriptive only and are not to be restrictive in nature. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements.
  - a. In assigning a position to a class, consideration shall be given to the general duties, tasks, responsibilities, and desirable qualifications, along with the relationship the position has to other classes.
  - b. It is not intended that a class specification give a complete array of all the specific duties, tasks, and responsibilities, but rather to give a general picture of the essential characteristics of the class with sufficient allocating factors described to properly identify the class.
  - c. The use of a particular expression or illustration as to duties, qualifications, or other attributes shall not be held to exclude others not mentioned, if such others are similar in kind and degree. The appropriate supervisor, as circumstances require, may assign different tasks to a position when such duties are similar in kind and rank with those specified in the class of the position. In essence, the phrase “and to do related work as required” is described in the paragraphs above.
  - d. Employees may be required to perform other duties during emergency situations.
- C. A position may be reclassified on the basis of change in or reassignment of the duties and responsibilities and/or qualification requirements of the position.
  1. The Human Resources Director shall be responsible for such reclassifications as found necessary, based upon a study of duties, responsibilities, and qualifications.
  2. A reclassification shall become effective upon approval by the City Manager on a Personnel Action Form.
  3. Incumbents may or may not be reclassified with their positions, based upon the findings and recommendations of the Human Resources Director and the approval of the City Manager.

## **1-10-070. EMPLOYEE ADVISORY COMMITTEE**

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

## **1-14-001-0006 EMPLOYEE ADVISORY COMMITTEE**

The Employee Advisory Committee (EAC) is hereby established.

### **1-14-001-0006.1 Definitions**

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

### **1-14-001-0006.2 Mission Statement**

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

### **1-14-001-0006.3 Purpose**

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

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

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

resolve any issue or employment-related concern through the established administrative procedures.

#### **1-14-001-0006.4 Objectives**

The objectives of the EAC are to:

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

#### **1-14-001-0006.5 Structure**

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



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

### **1-14-001-0006.6 Elections and Membership**

- A. City-wide elections for membership shall be held annually, by July 15, with terms starting during the first meeting in August.
  - 1. Eligible employees shall nominate regular and alternate members who will also be eligible employees as defined in this Chapter.
  - 2. The eligible employee with the most votes will become the regular member and the employee with the next highest will become the alternate member. In the event of a tie, a ballot will be sent out to the division for a formal vote.
- B. Elections for special appointments will be conducted during the second meeting in August.
  - 1. Election of two co-chairs.
  - 2. Elect an EAC member to take minutes of the meetings, with a back-up and/or rotation as deemed necessary.
  - 3. Elect an EAC member to attend Budget Committee meetings, when the Budget Committee is discussing any benefit and compensation issues and during the add-back and delete portion of the budget, in an ongoing effort to foster better communication and understanding.
  - 4. Elect two (2) EAC members to attend the Compensation Committee meetings.
  - 5. EAC members may also be elected to serve on special committees or task forces concerning employment-related policies and procedures, safety, compensation and benefits.
- C. Newly elected regular and alternate members shall attend an orientation meeting with a co-chair and/or the Human Resources Director after annual elections between August and November.

### **1-14-001-0006.7 Resignation or Removal**

- A. EAC members who want to resign from service shall submit their requests in writing to the two co-chairs and the Human Resources Director.
- B. When a regular member resigns from service an election will be held and the newly elected member will serve a two (2) year term from the time of the election.

- C. If the resigning member is a co-chair, a special election for the appointment of a new co-chair will take place and the newly elected co-chair will finish out the one (1) year term of the previous co-chair.
- D. Members with three (3) consecutive unexcused absences may be removed by a majority vote of the EAC.
- E. If an employee from a group desires to remove the current EAC member, they must follow criteria listed:
  - 1. Submit a formal complaint in writing explaining the reason for the request to remove the current EAC member to the Human Resources Director.
    - a. The complaint may only be filed from the EAC member's group.
    - b. Human Resources will relay the complaint information to the current co-chairs.
    - c. The co-chair will recuse himself or herself from the process, if the complaint is about them or another EAC member from the same group.
    - d. The co-chairs will speak with the EAC member about the complaint to obtain additional information.
    - e. The EAC co-chairs, with assistance from the Human Resources Director, may evaluate the information obtained through discussions with the complainant and the EAC member to substantiate the complaint.
      - i. If unable to substantiate the complaint, the EAC co-chairs will reply to the complainant.
      - ii. If able to substantiate the complaint, the process will continue.
  - 2. There will be a two (2) month period to allow for the EAC member to address the area(s) of concern.
  - 3. The co-chairs will contact the complainant to review any improvements.
    - a. If there have been improvements, the co-chairs will provide a written response to the complainant closing the complaint.
    - b. If there have been no improvements and the complainant is still dissatisfied, a second complaint will be filed by the co-chairs.

4. If a second complaint is received, the co-chairs, with the assistance of Human Resources, will hold an election to remove the EAC member.
  - a. The election must have fifty percent (50%) plus one (1) votes of the EAC member's group for the election to be valid.
  - b. If the election does not receive enough votes to be considered valid, the EAC member will continue his or her term.
  - c. If the election does receive enough votes and the majority of employees in the EAC member's group votes to keep the EAC member, then the EAC member will continue his or her term.
  - d. If the election does receive enough votes and the majority of employees in the EAC member's group votes to remove the EAC member, then the EAC member will not continue his or her term and another election will be held to select another EAC member to serve a two (2) year term from the time of the election.

**1-14-001-0006.8 Meetings**

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

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

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

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

**1-14-001-0006.10 Subcommittees**

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

**1-14-001-0006.11 Attendance and Hours Worked**

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

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

(Ord. No. 2014-32, Amended, 01/06/15); (Ord. No. 2010-33, Amended, 02/15/11); (Ord. No. 2018-18, Amended, 06/15/18); (Ord. No. 2018-36, Amended, 11/06/18); (Ord. No. 2019-10, Amended, 07/02/19)

**ARTICLE 1-20. COMPENSATION**

**1-20-010. PAY PLAN**

- A. The Human Resources Director, under the direction of the City Manager, shall prepare a pay plan covering all classes of positions in the classified service. In arriving at salary rates or ranges, consideration may be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and in private employment, current cost of living, suggestions by Department Heads, the City's financial condition and policies, and other relevant factors.
- B. The City Manager, Human Resources Director, or the person or agency employed for that purpose shall make such further studies of the pay plan as is necessary in their judgment or requested by the City Council.
- C. The Human Resources Director shall be responsible for recommending wage, rates, and salary ranges; hours and working conditions; and additional benefits for each job class in the City service.
- D. Each job class in the classified service shall be assigned to a salary range in the uniform plan to reflect the similarities and differences in levels of duties and responsibilities. The wages, hours, and other terms and conditions of employment shall be related to similar conditions in the appropriate labor market.
  - 1. Such assignment to a salary range for classified employees shall be made by the City Council.
  - 2. The pay plan may be amended by the City Council from time to time, if circumstances require, either through adjustment of rates or by reassignment of job classes to different pay ranges.

**1-20-020. APPROPRIATE SALARY**

- A. Tenure, tenure eligible and exempt employees shall be eligible for consideration for merit pay increases as determined by the City's pay plan.

- B. A newly hired, promoted, or rehired employee may be compensated between the minimum and twelve (12) percent above the minimum (i.e. minimum of the salary range x 1.12) of the salary range of the job class based on economic conditions, unusual employment conditions, or exceptional qualifications when a higher hiring rate may be in the City's best interest. The City Manager may authorize hiring above twelve percent above the minimum based on such factors and on a recommendation by the Human Resources Director and appropriate Division Director.
- C. A newly hired, promoted, or rehired employee in a broad band pay structure may be compensated between the minimum and mid-point of zone one. The City Manager may authorize hiring above the mid-point based on a recommendation by the Human Resources Director and appropriate Division Director.
- D. Merit pay increases for employees shall only be granted upon recommendation of the employee's Division Director for efficient service and continued improvement by the employee in the effective performance of the duties of their position.
  - 1. A completed performance evaluation must accompany each merit pay increase recommendation.
  - 2. The merit pay increase shall be effective on the employee's anniversary date or classification date.
- E. Salaries and merit reviews for the City Manager, City Attorney, and City Magistrates shall be determined by the City Council.
- F. Upward salary adjustments. When an employee's position is reclassified to a higher level, the following rules shall determine the affected employee's salary:
  - 1. In all cases, every affected employee shall be assigned to the new salary range.
  - 2. In no case will an employee receive a decrease as a result of a salary adjustment to a higher salary range.
  - 3. Employees reclassified to a higher pay range that overlaps with their present range shall be placed in the new range at a salary resulting in a minimum increase of six (6) percent in pay unless the minimum increase would exceed the range maximum. If the six (6) percent increase results in a salary that is greater than the maximum of the range, the employee's increase will be limited to the maximum of the new range.
  - 4. Employees shall retain their classification dates for purposes of performance evaluations and merit increases.
  - 5. Classified to Exempt

- a. If a position is reclassified from classified to exempt, the employee will receive a minimum of a six (6) percent increase unless the minimum increase would exceed the range maximum. If the six (6) percent increase results in a salary that is greater than the maximum of the range, the employee's increase will be limited to the maximum of the new range.
  - b. The employee will be eligible for any performance increase exempt positions are eligible to receive above any increase received per 5a.
6. Exempt to Classified
- a. If a position is reclassified from exempt to classified, the employee's salary shall be set in the new classified range at an amount that is closest to their current salary and does not result in a decrease, unless the closest salary is at the maximum.
7. Rezone
- a. Rezone requests will be considered once a year as part of the fiscal year budget process and any changes will be effective July 1<sup>st</sup> of the following fiscal year. A mid-year request may be requested when the additional compensation can be funded within the base budget on an ongoing basis and any such changes will be effective the first day of the pay period following the completion of the work.
  - b. The supervisor must submit the following to the Human Resources Division prior to the pre-determined budget deadline: (1) a Zone Change Form, (2) a copy of the employee's most recent performance evaluation demonstrating an overall rating of exceeds expectations or better, and (3) the Zone Change Checklist applicable to the position.
  - c. Employees must serve in zone one for at least one year and meet all of the requirements in the Zone Change Checklist to be eligible for a rezone to zone two. Employees in zone two must serve for at least two years and meet all of the requirements in the Zone Change Checklist to be eligible for a rezone to zone three.
  - d. The rezone will result in a six (6) percent increase or the minimum of the new zone, whichever amount is greater. If the six (6) percent increase results in a salary that is greater than the maximum of the zone, the employee's increase will be limited to the maximum of the zone.



- G. Downward salary adjustments. When an employee's position is reclassified to a lower level, the following rule shall determine the affected employee's salary:
1. The employee will be placed in the lower salary range closest to their current rate of pay that does not result in an increase.
- H. Promotion. Promotions shall be made as provided in Article 1-40, Section 1-40-010. Upon promotion to another classification, an employee shall receive a rate of pay based on the following criteria:
1. The new salary rate will be in the new range that results in a minimum of a six (6) percent increase, with flexibility for a higher amount with prior approval of the Human Resources Director and City Manager.
  2. The new salary should be increased to at least the minimum of the new salary range.
  3. In no case should a promotional increase place the salary above the maximum of the assigned range.
  4. In addition to the minimum of a six (6) percent increase, employees may continue to receive their regular merit increase if their classification date before promotion falls within three (3) months of the promotion. Thereafter, merit increases and performance evaluations will be based on the effective date of the promotion.
- I. Voluntary Reassignment. A voluntary reassignment occurs when an employee moves from a position in a higher pay range to a position in a lower pay range. The employee will move to the lower pay range and not receive an increase in pay. In some circumstance, the employee's rate of pay may decrease as a result of the reassignment. The employee shall retain their current classification date for purposes of merit pay increases and performance evaluations.
- J. Transfer. A transfer occurs when an employee moves from one position to another in the same pay range or from one area of the organization to another in the same position. The employee will remain in the same pay range and will not receive an increase in pay. The employee's rate of pay may decrease based on budget capacity. The employee shall retain their current classification date for purposes of merit pay increases and performance evaluations.
- K. Demotion for cause. Demotions shall be made as provided in Article 1-40, Section 1-40-031. An employee who is demoted for cause shall be placed in the lower salary range that will provide a reduction in pay. The employee shall be given a new classification date for purposes of merit pay increases and performance evaluations.

- L. Disciplinary pay reduction. An employee who is being paid a rate of pay higher than the minimum of the pay range may be reduced by a percentage or dollar amount on the basis of unsatisfactory work performance or conduct. An employee shall not be paid less than the minimum of the pay range as a result of the disciplinary action. Such action shall require the specific recommendation of the employee's Division Director and the Human Resources Director, with the approval of the City Manager.
1. The employee shall be notified in writing by their Division Director not later than two (2) calendar weeks prior to the effective date of the action. Such notice shall inform the employee that they may file a reply with the Division Director and Human Resources Director not later than one (1) calendar week prior to the effective date of the action. Such reply shall be reviewed by the City Manager for final action.
  2. The employee shall have the opportunity to attach a statement to the notice.
  3. The employee may be returned to their former rate of pay at such time as deemed appropriate by their Division Director.

(Ord. No. 2010-10, Amended, 06/08/10, Ord. No. 2017-26, Amended 10/19/17)

**1-20-030. WORKING HOURS AND PAY**

- A. The average regular work week for full-time classified employees shall be forty (40) hours. The work week for all employees begins on Sunday morning at 12:01 a.m. and ends the following Saturday at midnight. The average regular work week for fire suppression employees shall be fifty-six (56) hours per week.
- B. As a standard policy, all employees shall be allowed two (2) work breaks of fifteen (15) minutes duration per day. All work breaks shall be scheduled by the supervisor so that work areas are covered. This applies to all personnel except on-duty police officers, on-duty fire personnel, operating field crews, employees operating equipment on scheduled routes, and other instances where the nature of the employee's duties prevents orderly scheduling of any specific time for work breaks.
- C. Lunch periods shall be scheduled for all employees, except those specifically excluded by the City Manager. The lunch period will ordinarily last one hour, however, by mutual consent between employee and Department Head, may be reduced to one-half hour.
- D. Employees shall not be allowed to accumulate work breaks and/or lunch periods for the purpose of taking time off.

- E. Regular salaries and compensation for all City employees shall be paid on a bi-weekly basis.
- F. For the purposes of vacation, sick leave, family leave, personal leave, and holiday leave, a working day shall be considered as equal to .38461 percent of the number of working or duty hours in the established work year for each employee.

**1-20-040. OVERTIME PAY**

- A. A full-time classified employee who performs authorized work in excess of their regular work week, work day, or shift, shall be compensated for such overtime at the rate of one-and-one-half (1 1/2) times their regular rate of pay.
  - 1. Overtime shall be calculated to the nearest one-quarter (1/4) hour of overtime worked.
  - 2. All overtime must be authorized in advance by the appropriate department and ratified by the City Manager or designee.
  - 3. All unclassified and certain classified job classes shall be exempt from the above overtime provisions upon recommendation of the Human Resources Director and approval of the City Manager. Any such exemptions shall be in compliance with the applicable provisions of the Fair Labor Standards Act, as required of municipalities.
    - a. Employees in these classes may receive overtime pay in the event of extraordinary circumstances or emergency conditions. This may be done only by written order of the City Manager upon recommendation of the Department Head.
    - b. Time off for work performed during extraordinary circumstances or emergency conditions by employees in these job classes may be authorized and administered by the appropriate Department Head.
  - 4. There shall be no overtime compensation for time spent in attending meetings, including travel time of any kind, which are for the purpose of education or training, except where attendance is made mandatory by the employee's division or Department Head, or such overtime compensation is required of municipalities by the Fair Labor Standards Act.
  - 5. Fire suppression employees working in excess of fifty-six (56) hours per week shall be compensated pursuant to Section 1-20-040 A, except when they are engaged in emergency operations at the end of a shift or while engaged in emergency operations on call back, in which case overtime compensation for emergency scene responses only will be paid at an hourly rate calculated on a forty (40) hour work week. Emergency

operations are those circumstances that create a medical, fire, or hazardous material incidents.

6. There shall be no overtime compensation for any time spent in travel from the employee's home to the appropriate location where the employee reports to or for work.

(Ord. No. 2007-39, Amended, 08/07/07; Ord. No. 2010-10, Amended, 06/08/10)

#### **1-20-041. COMPENSATORY TIME**

Compensatory time off (comp time) is paid time off the job that is earned and accrued by an employee in lieu of immediate cash payment for working overtime hours. The use of comp time instead of overtime is limited by Section 7(o) of the Fair Labor Standards Act (FLSA) to a public agency that is a state, a political subdivision of a state, or an interstate governmental agency. Compensatory time cannot be used as a means to avoid statutory overtime compensation.

- A. All full-time classified employees are authorized to accrue compensatory time at the rate of one and one-half hours for one hour of overtime worked, in lieu of immediate cash overtime compensation.
- B. Compensatory time will not be earned during a work week when an employee is using paid time off such as sick, vacation, personal, holiday or compensatory time. Compensatory time may only be earned when
  1. Any non-commissioned classified employee works over forty (40) hours in a work week.
  2. Any police commissioned employee works over forty (40) hours in a work week.
  3. Any fire suppression commissioned employee works over one hundred eighty-two (182) hours in the twenty-four (24) day work period per Section 7(k) of the FLSA.
  4. Any wild land fire non-commissioned employee works over one hundred and six (106) hours in the fourteen (14) day work period per Section 7(k) of the FLSA.
- C. Accrual of compensatory time by those eligible employees shall be subject to the approval of each Division Director and shall be based on the unique personnel requirements of each division.
- D. No employee shall be allowed to accrue in excess of sixty (60) hours, except for fire suppression commissioned personnel, who shall be allowed to accrue eighty-four (84) hours. An employee may request to exceed these limitations by

completing a Compensatory Time Excess Accrual Authorization Request Form and submitting it to the Division Director. These maximums may be exceeded only upon the approval of the Division Director, Human Resources and the City Manager. Authorization for exceeding the maximum is only valid for the fiscal year in which the form is completed. In no event shall authorization be given to accrue compensatory time in excess of one hundred eighty (180) hours.

- E. Any employee who has accrued compensatory time and requested use of this compensatory time shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the City. A reasonable period will be determined by considering the customary work practices within the City based on the facts and circumstances in each case. Such practices include, but are not limited to:
  - 1. Anticipated peak workloads based on past experience,
  - 2. Emergency requirements for staff and services, and
  - 3. The availability of qualified substitute staff.
- F. An employee has the right to use compensatory time earned and must not be coerced to accept more compensatory time than the City can realistically and in good faith expect to be able to grant within a reasonable period of his or her making a request for use of such time.
- G. Hours of compensatory time in excess of the above maximums must be used prior to June 30th each fiscal year. Excess compensatory time not used prior to the June 30th date shall be paid to the employee and not be carried over to subsequent periods.
- H. An employee who intends to earn compensatory time in lieu of overtime shall notify their immediate supervisor prior to submitting a timesheet for the pay period. Otherwise, any eligible overtime will be compensated as overtime wages for the pay period.
- I. All compensatory time shall be reported as it is accrued, or used, to the Payroll Section.
  - 1. Accruals shall be included on the time entry report submitted by the division and will appear on the employee's pay stub.
  - 2. Compensatory time used shall be marked "CU" on the time entry report submitted by the division and will appear on the employee's pay check.
  - 3. Separate compensatory time records shall not be maintained by the division.

- J. An employee will be paid for accrued compensatory time
1. Upon termination of service at a rate of compensation not less than
    - a. The average regular rate received by such employee during the last three years of employment. When the period of employment is less than three years, the average rate still must be calculated based on the rates in effect during such period. Or
    - b. The final regular rate received by such employee, whichever is higher.
  2. Upon moving from a non-exempt to an exempt position at a rate of pay equal to the employee's current hourly rate.
- K. The City Manager is authorized to make adjustments for callback and standby pay by administrative memoranda.

(Ord. No. 2010-10, Amended, 06/08/10)

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

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

**A. DEFINITIONS**

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

6. “Call Out Compensatory Time” is paid when an employee is called out to perform unscheduled work while On-Call.
7. “Call-Out Compensation” compensation paid at one and one half (1 ½) times the employee’s Regular Hourly Rate for Call-Out hours.

## B. ELIGIBILITY

1. Non-Exempt Employees who serve On-Call or are subject to Call-Out are eligible for additional compensation and/or compensatory time pursuant to this policy. The employee’s supervisor may elect whether the employee is to be paid compensation or receive compensatory time for On-Call and Call-Out services, based on budget and operational needs of the division.
2. An employee may not consume alcohol while On-Call or within the four-hour immediately preceding being On-Call. An employee who is On-Call must remain within the local area as described in *Residency Requirements* per section 1-60-101. An employee On-Call is otherwise free to engage in personal activities while On-Call.
3. On-Call time begins when an employee or other employees are not required to be on the City’s premises, on duty or at the prescribed work place.
4. An employee On-Call who fails to promptly respond to a Call-Out will not be paid for On-Call time and/or may be subject to discipline.

## C. PROCEDURES

1. An employee On-Call shall receive one (1) hour of On-Call Compensation for eight (8) hours the employee is scheduled On-Call. This will be calculated by taking the total hours of On-Call multiplied by 0.125.
2. An employee who is On-Call and called out to work will receive Call-Out Compensation or Call-Out Compensatory Time, but not On-Call Compensation.
3. An employee who is called out to work by the employee who is On-Call will receive Call-Out Compensation or Call-Out Compensatory Time.
4. An employee on Call-Out shall receive one (1) hour of Call-Out Compensation or Call-Out Compensatory Time for each hour the employee is performing Call-Out duties. The employee shall receive a minimum of two (2) hours of Call-Out Compensation or Call-Out Compensatory Time each time the employee is required to respond to Call-Out.

5. The immediate supervisor shall code On-Call hours as OS (On-Call Compensation) or CS (On-Call Compensatory Time) when submitting the employee's time sheet.
6. The immediate supervisor shall code Call-Out hours as O3 (Call-Out Compensation) or C3 (Call-Out Compensatory Time) when submitting the employee's time sheet.
7. Employee's shall report hours as Hours Worked for all hours spent Waiting.
8. An employee who is Waiting shall be compensated at the employee's Regular Hourly Rate unless overtime is required per policy 1-20-040 *Overtime Pay*.

D. EXAMPLE

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

On-Call 9.5 hours  
 Call- Out 2.5 hours

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

Call-Out Compensation or Compensatory Time is 2.5 hours.

Link(s):

FLSA Hours Worked

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

**1-20-050. ACTING PAY COMPENSATION**

- A. Non-emergency service employees (excluding temporary employees and employees who are serving their initial probationary period) who are designated to perform the duties of a position that is of a higher classification or range than their normal job due to a vacancy or absence in the higher classification or range of more than ten (10) consecutive working days, the employee will receive Acting Pay Compensation.



1. Acting Pay Compensation will begin after the non-emergency service employee has worked out of class in the same position for more than ten (10) consecutive working days (a working day is defined in Section 1-20-030 F).
  2. Acting Pay Compensation will be paid retroactive to the effective date of the assignment.
  3. An employee will receive a five (5) percent increase for Acting Pay Compensation. Under exceptional circumstances a Department Head may request a greater than a five (5) percent increase, with approval from the City Manager.
- B. Fire, Police, Airport staff and other employees who are designated by the Department Head to respond to an emergency situation (excluding exempts) and are required by the Department Head to perform the duties of a position that is of a higher classification or range than their normal job due to a vacancy, absence, or required staffing level in the higher classification or range will receive Acting Pay Compensation under the following circumstances:
1. Acting Pay will be paid hour-for-hour for each hour the employee works in a position with a higher classification or range.
  2. An employee will receive a five (5) percent increase for Acting Pay Compensation.
- C. At the end of the assignment, the employee will return to their regular assignment and pay.

**1-20-051. SUPPLEMENTAL PAY**

- A. Exempt employees (excluding temporary employees and employees who have not worked for the City for six (6) months or more) may receive supplemental pay for performing supervisory/managerial duties at the same or lower range than their classification or range which are outside their normal duties due to an absence or a vacancy under the following conditions:
1. The Department Head must submit a memo to the Human Resources Director for approval describing the managerial/supervisory duties the employee will be assuming.
  2. An employee is eligible for supplemental pay after assuming the duties for more than ten (10) consecutive working days not to exceed six (6) months. Exceptions may be made with prior approval from the Human Resources Director and City Manager.

3. Supplemental pay will be paid retroactive to the effective date of assuming the duties.
4. An employee will receive five (5) percent increase and under special circumstances a Department Head may request a greater than a five (5) percent increase. Exceptions may be made with prior approval from the Human Resources Director and City Manager.
5. At the end of the assignment, the employee will no longer be eligible for the supplemental pay.

**1-20-052. TEMPORARY PROMOTION**

- A. A Department Head may appoint a qualified employee in good standing (excluding probationary and temporary employees) to another existing position on a temporary basis. This may be accomplished without observing regular recruiting and hiring procedures by submitting a written justification to the Human Resources Director for review of appropriate classification, minimum qualifications, salary etc. and final approval by the City Manager or his/her designee.
- B. The following conditions must apply:
  1. A specific vacant position must exist.
  2. The employee must meet the minimum qualifications for the position, must have a good performance record, and not currently be involved in any disciplinary process.
  3. The employee's temporary promotion does not, in any way, guarantee the temporary promotion position to the employee on a permanent basis. The temporary promotion does not confer any explicit preference to the employee in competing for the position if and when a permanent opening occurs.
  4. A temporary promotion must last longer than thirty (30) days but not more than one (1) year. Exceptions may be made with prior approval from the Human Resources Director and City Manager.
  5. The employee will receive a new salary rate in the new range that results in a minimum of a six (6) percent increase whichever is greater, with the flexibility for a higher amount with prior approval from the Human Resources Director and City Manager or his/her designee as outlined in Section 1-20-020.
  6. An employee who is temporarily promoted is not required to serve an administrative review and may be returned to his/her regular assignment at any time.

7. The employee's regular position shall be guaranteed to him/her during the tenure of the temporary promotion.
8. When the temporary promotion is completed, the employee shall return to his/her former position and salary rate, which will include any merit increase the employee may be eligible for.
9. If the employee is permanently placed into the position he/she was temporarily promoted to, then he/she will keep the salary that was established at the time of the temporary appointment and will be required to serve an administrative review as outlined in Section 1-30-061. The time spent serving in the temporary promotion will not count towards the administrative review.
10. The employee shall receive any merit increase for which he/she is eligible for and any other salary adjustments granted to all employees in that classification.

### **1-20-053. ALTERNATIVE WORK SCHEDULE**

The City of Flagstaff Alternative Work Schedule policy assists with staff retention through work and life balance. Alternative scheduling is available to assist employees in meeting their personal work performance goals and personal needs. Alternative work scheduling is an opportunity to maintain employee productivity through various forms of work scheduling.

All City of Flagstaff benefit eligible employees, with good standing performance, may be considered for an Alternative Work Schedule. Each employee's request will be evaluated on a case-by-case basis. Approved alternative work schedules will support work and personal goals, provide coverage for individual division operations, and serve the City of Flagstaff organization and community at no detriment to quality output and service.

#### **A. FLEX TIME**

Each facility has established core hours of operations. For example, core hours for City Hall are Monday through Friday from 8:00 A.M. to 5:00 P.M. during the winter and 7:00 A.M. to 4:00 P.M. during the summer. If an employee wants a schedule that deviates from the core hours of that employee's facility, it would be considered a flex time schedule.

#### **B. COMPRESSED WORK WEEK**

A compressed work week is when an employee works the same total number of hours in a compressed number of days. Options for compressed work weeks:

1. **FOUR TEN HOUR DAYS**

This schedule consists of a four-day work week. The employee works four days a week for ten (10) hours per day. The four (4) days need not be consecutive.

2. FOUR NINE HOUR DAYS AND ONE FOUR HOUR DAY

This schedule consists of a five-day work week. The employee works for nine (9) hours per day for four (4) days and the remaining four (4) hours on the fifth day.

3. 9-80 SCHEDULE (ONLY FOR EXEMPT EMPLOYEES OR EMPLOYEES COVERED UNDER FLSA SECTION 7(K))

This schedule consists of one week working four days at nine (9) hour days (36-hour week) and one week working five days at four (4) nine (9) hour days and one (1) eight (8) hour day (44-hour week) for a total of 80 hours in the two (2) week pay period.

The Fair Labor Standard Act (FLSA) requires non-exempt employees to be compensated overtime for any hours worked in excess of forty (40) per week, unless the employee is covered under section 7(K) of the FLSA, 29 U.S.C. Section 207 (k). Thus, a 9-80 work schedule will not be approved for non-exempt employees not covered under FLSA Section 207 (k).

C. STAGGERED SHIFTS

This schedule will stagger two or more employee shifts to make sure the division has coverage during all the operating times. For example, the facility is open Monday through Friday 7:00 A.M. to 6:00 P.M. and employee number 1 works Monday through Friday 7:00 A.M. to 4:00 P.M. while employee number 2 works Monday through Friday 9:00 A.M. to 6:00 P.M. to make sure the office is covered at all times.

D. TELECOMMUTING

A. A telecommuting schedule consists of some work time being spent at home or a virtual office.

B. The employee is expected to follow all applicable City of Flagstaff policies, procedures and directives. The obligations, responsibilities, terms and conditions of employment remain unchanged.

C. In order to work at home or a virtual office the employee must ensure a safe and confidential environment in which to work.

a. The employee must ensure that his/her environment has the proper lighting for them to be productive.

- b. The employee must meet business guests at the City of Flagstaff, or other public, facilities.
  - c. If the employee's internet access is on a public wireless network for email, the employee must ensure the private computer option is not selected.
  - d. The employee must secure any data in physical form i.e. CDS, paper documents, etc.
- D. The employee must have all the equipment and supplies needed to be productive at his/her home or virtual office.
- a. The home has ergonomic furniture to maintain a safe work environment.
  - b. The work environment is limited from personal distractions.
  - c. The employee ensures that any City of Flagstaff equipment is not used for personal use, other than infrequent use. Other individuals shall not be permitted to use the City of Flagstaff equipment.
  - d. Telecommuting should not be used in lieu of dependent care.
5. The employee and the Supervisor need to have a written agreement on the working hours when the employee is not physically in the office.
- a. There needs to be the ability to communicate between the employees who are onsite and the employees telecommuting during the core working hours of the division.
  - b. The Supervisor needs to refrain from delegating more tasks to the employees on-site than the employees telecommuting.
6. Non-exempt employees cannot work any overtime hours unless prior approval is made from his/her Supervisor.

E. PROCESS

- 1. Alternative work schedules shall be determined on a case-by-case basis and the final decision rests with the Supervisor, Section Head, Division Director, and Human Resources. The Supervisor or employee may rescind an alternative work schedule at any time. All such arrangements are voluntary on the part of the employee (unless written into the job description) and require supervisor approval. An alternative work schedule is a privilege not an added benefit.

2. The employee shall continue to attend all on-site meetings even when on an approved alternative work schedule.
3. The supervisor will notify the employee at least two (2) weeks before any change is to occur unless the change is due to an emergency determined by the division. If there are unforeseeable circumstances and the employee is requested to change his/her alternative work schedule to provide temporary assistance, the Supervisor will provide as much notice of the change as possible under the circumstances.
4. Work schedule changes cannot be designed to avoid the overtime requirements of FLSA. Keep in mind that flexing time through the week to stay within that 40-hour work week (Sunday 12:01 A.M. to Saturday at midnight) is acceptable, i.e. working 10 hours on Wednesday so leaving 2 hours on Friday is appropriate while working 10 hours on Wednesday and leaving 2 hours early the *following* Monday would not be permitted under the FLSA.
5. The Supervisor may create and utilize an alternative work schedule for the entire program, section, or division with the appropriate approval. All employees within the work program, section, or division will follow the same schedule or may be permitted to utilize other areas within the City as a work station.

The Supervisor should notify Human Resources of the name of the program, section, or division using an alternate schedule and the start and end date, if applicable. This will ensure that Human Resources can communicate the schedules properly.

6. In order to have an alternative work schedule the employee must fill out the Alternate Work Schedule Request form requesting the schedule and have it approved by his/her Supervisor, Section Head, Division Director, and Human Resources. The employee's alternate work schedule shall be re-evaluated every year at the time of the employee's annual evaluation to ensure the schedule is still appropriate and another form will need to be submitted.

The Division Director may grant an alternate work schedule due to unforeseen circumstances (i.e. pandemic flue, office closure, etc.) for not more than twelve (12) weeks per calendar year.

7. Lunch periods shall be scheduled for all employees, unless they waive their lunch time on the Alternative Work Schedule Request form. The lunch period will ordinarily last up to an hour unless mutually agreed upon by the employee and his/her Supervisor, Section Head, Division Director, and Human Resources.

8. The Supervisor, Section Head, and Division Director may consider the following factors when reviewing an alternative work schedule request submitted by an employee.
  - a. Service to the customers, internal and external, will not be adversely affected.
  - b. Staff will continue to provide complete coverage to the public based on core hours.
  - c. The employee will maintain or improve the quantity, quality, and timeliness of work.
  - d. Proper supervision will continue to be maintained.
  - e. No additional staff will be needed.
  - f. The new schedule will not generate overtime for the division.
  - g. Any other program, section, or division appropriate factors important when reviewing an alternate work schedule request.
9. The Supervisor, Section Head, and Division Director retain the discretion to deny a request for an alternative work schedule for any reason.
10. In the event of two or more employees requesting the same alternate work schedule, where it could create a conflict for the division, length of service, job duties and performance may be used to resolve conflicts.
11. Once an alternate work schedule has been approved, the employee shall update voice mail and email messages in an effort to notify all of the employee's internal and external customers of the change in schedule. The employee may utilize the out of office reply on the days they are not working in the office.
12. Holiday pay will not be affected by an employee's alternative work schedule as it will remain the same according to the Employee Handbook section 1-50-010- B.
  - a. "If the holiday falls on an employee's regularly scheduled day off and the employee does not work, they will accrue the equivalent of one (1) working day [a working day shall be considered as equal to .38461 percent of the number of working or duty hours in the established work year for each employee] as holiday time."
  - b. "If the holiday falls on their regularly scheduled work day and the employee does not work, they will receive regular wages for the

holiday taken.” The regular wages would be equivalent of one (1) working day, therefore if they are working ten (10) hour days then the employee would need to find the two (2) additional hours somewhere else in the week i.e. they could work an additional two (2) hours on the three other days of the week or they could use paid time off for two (2) hours to equal ten (10) hours for that day.

(Ord. No. 2010-10, Amended, 06/08/10)

## **ARTICLE 1-30. EMPLOYMENT**

### **1-30-010. RECRUITMENT**

- A. Recruiting publicity shall be carried out through all appropriate media for a reasonable period of time to ensure sufficient opportunity for the appropriate segment of the labor market to apply and be considered for employment on the basis of abilities and potential. The appropriate labor market shall be determined on the basis of job class, with special outreach efforts in order to reach minority job applicants and women. Such publication shall indicate that the City of Flagstaff is an equal opportunity employer.
- B. All recruiting efforts shall be carried out in a timely manner and shall be tailored to the various job classes to be filled. Recruitment will be directed to all appropriate sources of applicants in order to attract an adequate number of candidates for consideration and to permit successful competition. The Department Head may request advertising outside the community when appropriate.

### **1-30-020. APPLICATION**

- A. All applicants for City employment shall make application on forms provided by the Human Resources Division. The application shall include complete information relating to experience, training, residence, and other necessary qualification information. The Human Resources Division will use the information to determine whether the applicant is eligible to take an examination for a given class of employment.
  - 1. Failure to accurately complete the application for employment form may be reason for disqualification.
  - 2. Application forms, when submitted, shall become the property of the Human Resources Division and shall not be returned.
- B. The City may require certain classifications to meet specific standards and/or special experience and training necessary for these classifications.



- C. The Human Resources Division shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant has made any misstatement of any material fact or has practiced any deception or fraud in their application. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

**1-30-030. EXAMINATION**

- A. Open competition will be the mode of selection for employment with the City of Flagstaff. The selection technique used in the examination process shall be impartial and relate to those subjects who, in the opinion of the Human Resources Director and City Manager, will maximize reliability, objectivity, and validity through a practical and normally multipart evaluation of applicant attributes necessary for successful job performance and career development.
  - 1. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates. Such tests may be, but are not necessarily limited to, written tests, performance tests, personal interviews, physical agility tests, evaluation of work experience and training, medical examinations, successful completion of prescribed training, or any combination of these or other evaluations. The probationary period shall be considered an extension of the examination process.
  - 2. The City Manager may require the satisfactory completion of a medical and physical examination prior to tenured appointment in certain job classes, as may be determined from time to time.
  - 3. No question on any test, or the application of any test, shall attempt to elicit information concerning race, color, ancestry, national origin, religious creed, political opinions or affiliations, sex, age, mental or physical disability not job related, arrest record, or child care or transportation arrangements of an applicant.
  - 4. The Human Resources Manager may designate any part of the examination process as qualifying only.
- B. When the examinations of applicants for any class of employment have been evaluated, the applicant shall be sent notice of their relative attainment expressed in terms of percentage points. Those who fail to make a passing grade will also be notified.

(Ord. No. 2007-39, Amended, 08/07/07)

**1-30-040. EMPLOYMENT ELIGIBILITY LISTS AND APPOINTMENTS**

- A. All vacancies in the City of Flagstaff’s classified service shall be filled by one of the following methods and by giving preference to this order when all other qualifications are equal.
  - 1. Certification and appointment from lay-off lists.
  - 2. Certification and appointment from departmental promotional lists.
  - 3. Certification and appointment from City-wide promotional lists.
  - 4. Certification and appointment from reinstatement and re-employment lists.
  - 5. Certification and appointment from open competitive eligibility lists.
- B. The Human Resources Director shall certify to the City Manager, Department Head, or division head the names of those successfully demonstrating their eligibility for employment.
- C. When a vacancy is to be filled and the total number of individuals on all the above-named lists is five (5) or less, the Department Head may make appointments from such individuals or may request the Human Resources Director to establish a new list. When so directed, the Human Resources Director shall hold a new examination or interview and establish a new list. The length of eligibility for the list is limited to six (6) months, but may be extended to one (1) year.
  - 1. Temporary appointments may be made at the discretion of the Department Head, after consultation with the Human Resources Director, upon approval of the City Manager, when internal and external applicants fail to meet the requirements of the vacant position.
  - 2. Emergency appointments may be made by Department Heads to meet the immediate requirements of an emergency condition such as extraordinary fire, flood, earthquake, plane crash, or other disaster which threatens public life or property. When such need occurs, they shall notify the Human Resources Director, who shall meet their staffing requirements.

**1-30-050. EMPLOYEE PERSONNEL RECORDS**

- A. An employee’s official personnel file, to be known as the Employee 201 File, is the official record and documentation of the administration of the employee’s employment. Human Resources shall maintain the personnel file, for each employee. All material to be placed in the employee’s 201 file shall be made known to the employee and the appropriate Department Head. Employees have

the absolute right to review their individual 201 file, to have copies of any materials, and to request that any material be removed.

- B. Employees have the right to prepare and submit a rebuttal to any material in the file. Employees' access to their 201 files shall be scheduled in advance with Human Resources.
- C. Employees may request to have material removed from their 201 file with prior approval from their Department Head, who will submit the request to the Human Resources Director for review and then to the City Manager for approval.
- D. The employee shall have the right to file a grievance should the Department Head deny removal of the material from their 201 file.
- E. Access to an employee's 201 file shall be limited to the following:
  - 1. The employee or any individual who has written authorization from the employee to review the 201 file.
  - 2. City Manager, or designee, Human Resources Director, Human Resources Division employees, as assigned, Management Services Director as required for fiscal control, City Attorney, and the employee's Department Head, division head, or supervisor.
  - 3. An official acting in response to a court order or subpoena.
- F. The following information is generally available without authorization from the employee through the Human Resources Director or designee:
  - 1. Name of employee, date of employment, current and previous classification titles and dates, name and location of current and previous places to which the employee has been assigned, current and previous salaries and dates of each change, and the name of employee's current or last known supervisor.
  - 2. Requests for materials, subpoenaed or otherwise, received in connection with civil or criminal actions or investigations must be submitted in itemized form. Items not specifically identified will not be provided. When an investigator seeks information, only the material specifically identified and requested shall be disclosed and the investigator's credentials shall be checked by the Human Resources Director and the City Attorney. If there is any doubt concerning the validity of the credentials or the appropriateness of the information requested, a written request for the material, including verification of credentials, can be required before disclosure. All such requests shall be directed to the Human Resources Director.

(Ord. No. 2007-39, Amended, 08/07/07)

**1-30-060. PROBATIONARY PERIOD**

The probationary period is the initial period of adjustment when the employee is learning about the City and their new position and the employee is provided with training and guidance from their supervisor.

- A. Probationary periods are designed to provide a reasonable amount of time to evaluate an employee's performance.
  - 1. Non-exempt non-commissioned employees will serve a six-month probationary period.
  - 2. Non-exempt Municipal Court and non-exempt commissioned employees will serve a one-year probationary period. The probationary period for Police Officers will begin after the completion of the Field Training Officer (FTO) Program.
- B. Probationary period may be extended by no more than six (6) months per section 1-30-061.B Performance Evaluation System Probationary Evaluation.
- C. Upon successful completion of a probationary period, a non-exempt employee shall be granted tenured status in the position in which the probationary period is served.
- D. Time spent serving as a temporary employee will not count towards the probationary period.
- E. The appropriate Division Director may dismiss the probationary employee at any time during the probationary period when the employee is not progressing or performing satisfactorily per section 1-40-122 Dismissal of Probationary Employee.

(Ord. No. 2012-14, Amended, 10/02/12); (Ord. No. 2007-39, Amended, 08/07/07)

**1-30-061. PERFORMANCE EVALUATION SYSTEM**

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

A. EVALUATION PROCESS

1. The supervisor will prepare the evaluation based on the review of the following items:
  - a. A comparison of the employee's performance with the performance expectations established upon the employee's date of hire or the previous year's evaluation;
  - b. The duties and responsibilities of the employee's position; and
  - c. Supervisory notes taken during the evaluation period.
2. The supervisor's evaluation should be based on an employee's actual performance and not on personal prejudice, bias or favoritism.
3. The online evaluation system, or the supervisor, will notify the employee to login to the online evaluation system and complete the pre-review input section of the evaluation form. This allows the employee an opportunity to present his or her accomplishments for the year and assist the supervisor in completing the performance evaluation.
4. The supervisor will meet with the employee to review the performance evaluation. The supervisor will discuss the employee's strengths, areas of improvement with suggestions for improvement and expectations and goals for the upcoming year.
5. An employee will login to the online evaluation system, select agree or disagree with evaluation rating, provide a written statement and electronically sign the evaluation.
6. The evaluation will be retained online in the online evaluation system.

B. PROBATIONARY EVALUATION

1. All non-exempt employees will be evaluated during their probationary period to ensure satisfactory performance based on the following schedule:
  - a. A non-commissioned non-exempt employee shall be evaluated at three and six months from their date of hire.
  - b. A non-exempt employee of the Municipal Court shall be evaluated at four, eight and twelve months from their date of hire.
  - c. A non-commissioned non-exempt Police Department employee working in the Communications Center shall be evaluated at six and twelve months from their date of hire.

- d. A commissioned non-exempt employee of the Fire Department shall be evaluated at three, six, nine and twelve months from their date of hire.
  - e. A commissioned non-exempt employee of the Police Department shall be evaluated at six and twelve months after their completion of the Field Training Officer (FTO) Program.
2. The probationary evaluation schedule may be extended up to six months by completing the following process:
    - a. The supervisor submits a request in writing outlining the reason for and length of the probationary period extension and the request is approved by the Section Head, Division Director, Deputy City Manager and Human Resources Director prior to the end of the probationary period.
    - b. The supervisor notifies the employee in writing the probationary period has been extended and the employee acknowledges by signing the written document.
    - c. The employee acknowledgement is filed in the employee's personnel file.
    - d. Another performance evaluation is completed before the end of the extended probationary period.
  3. An employee is deemed to have satisfactorily completed the probationary period when an extension is not requested prior to the end of the probationary period.
  4. An employee who does not perform satisfactorily during the probationary evaluation period may be discharged per section 1-40-022 Dismissals of Probationary Employees.
  5. Exempt employees do not serve a probationary period; thus, a probationary evaluation is not required.

C. ANNUAL EVALUATION

1. After an employee has completed the probationary evaluation or administrative evaluation period, the rating period shall be annually upon the employee's hire or classification date.
2. Exempt evaluations shall be completed upon the employee's anniversary or classification date.

3. Upon budgetary approval non-exempt and exempt employees with an overall evaluation score of meets expectations or above will receive a merit increase, except when the employee is at the maximum of the pay range.
4. Council appointed employee evaluations shall be completed on the anniversary of and prior to the end of the service agreement.
5. Additional evaluations may be required upon request from the immediate supervisor.

D. ADMINISTRATIVE EVALUATION

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

(Ord. No. 2012-14, Amended, 10/02/12); (Ord. No. 2019-10, Amended 07/02/19)

**1-30-070. REINSTATEMENT – RE-EMPLOYMENT**

- A. Any tenured classified employee who has been suspended, demoted, or dismissed may be reinstated to their position as a result of an appeal to the Personnel Board and upon the approval of the City Manager. In the event of such reinstatement, the employee may be entitled to their former status of employment and all pay and benefits lost as a result of the disciplinary action.
- B. Former full-time classified and unclassified employees with less than thirty (30) days' break in service may be reinstated at the request of the Department Head and upon approval of the City Manager. Other former employees, except those on re-employment lists, will be treated in the same manner as all other applicants and subject to all normal selection processes.

**1-30-080. FINGERPRINT BACKGROUND CHECKS**

The City of Flagstaff has the authorization to submit fingerprints to the Arizona Department of Public Safety for Fee-Based State and Federal Criminal History Checks pursuant to Arizona Revised Statutes § 41-1750, PL 92-544, and 28 CFR, Part 20. The purpose and authority is listed in the Noncriminal Justice User Agreement between the Arizona Department of Public Safety (DPS) and the City of Flagstaff. The fingerprints received shall be submitted to the Arizona Department of Public Safety, and the Arizona Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation.

Information obtained from a state and federal criminal history check used in hiring decisions shall be job related and consistent with business necessity in compliance with the EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, as amended, 42 USC § 2000e et seq.

- A. Eligibility
  - 1. All applicants, employees and volunteers, except those under the age of 18, whose duties will require interaction with a vulnerable population, which may include minors, the elderly, or individuals with disabilities in Parks, Recreation, Library, Housing, and fire suppression will submit a full set of fingerprints for the purpose of obtaining a state and federal criminal history check.
  - 2. All applicants, employees and volunteers will submit a full set of fingerprints for the purposes of obtaining a state and federal criminal history check prior to being added to the authorized personnel list.
  - 3. All Authorized ACJIS User Agencies such as the City Prosecutor's Office, Flagstaff Municipal Court and the Flagstaff Police Department (FPD) have



a separate agreement with DPS and will conduct a fingerprint background check using their assigned originating agency identifier.

4. All applicants, employees, volunteers, contractors, and tenants who are required to access secure locations at the Flagstaff Pulliam Airport (Airport) will submit a full set of fingerprints to the Airport as required to meet TSA and FAA regulations. The Airport will submit these fingerprints under a separate agreement with the transportation security clearing house and will conduct a federal background screening using their assigned originating agency identifier.
5. All applicants, employees and volunteers will submit another full set of fingerprints for the purpose of obtaining a state and federal criminal history check every three (3) years upon a break in service of thirty (30) days or more.
6. An employee or volunteer who are newly assigned duties requiring a fingerprint background check will submit a full set of fingerprints.

#### B. Agency Security Contact

The HR Director or designee will serve as the City of Flagstaff's Agency Security Contact (ASC) and is the point of contact with DPS through which all communication with DPS regarding audits, agency/personnel information changes and training, and security are conducted.

1. The ASC will maintain all authorized personnel training on the Noncriminal Justice Agency Training Documentation Form. This training documentation will be submitted upon completion to the Noncriminal Justice Agency (NCJA) and made available at time of audit.
2. The ASC can receive and disseminate communication updates from DPS.
3. The ASC will update the Authorized Personnel List (List) with the Arizona Department of Public Safety Access Integrity Unity (AIU) within forty-eight (48) hours of an Authorized Personnel termination.
4. For the responsibilities of the ASC, refer to the Agency Security Contact Basic Responsibility worksheet from the NCJA.

#### C. Authorized Personnel

The City of Flagstaff personnel that may encounter CJI and/or CHRI are considered Authorized Personnel.

1. All authorized personnel must submit a full set of fingerprints and any CJI and/or CHRI must not disqualify the applicant, employee or volunteer from fulfilling the authorized personnel duties. The qualification will be determined as a result of the process outlined in handling and/or retention of CJI and/or CHRI section of this policy.
2. All Authorized Personnel must be trained in the Criminal Justice Information System (CJIS) Online Security Awareness Training for Noncriminal Justice Agencies within six (6) months of hire or upon being added to the List and then every two (2) years.
3. All Authorized Personnel must be trained in all City of Flagstaff Privacy and Security Training on the access, use, handling, dissemination, and destruction procedures regarding CJI and/or CHRI with six (6) months or upon being added to the List and then every two (2) years.
4. All Authorized Personnel will sign an Fingerprint Training Acknowledgement acknowledging the completion of the required training and a Fingerprint Policy and Procedure Acknowledgment acknowledging the notification of consequences and penalties of misuse of CJI and/or CHRI. It is a class 6 felony in Arizona for a person to misuse CJI and/or CHRI per Arizona Revised Statute § 41-1756.
5. The List consists of the HR Manager, HR Analyst – Compliance & Training, HR Supervisor, HR Generalist, HR Recruiter, and designated ASC. In addition, there may be one or more Senior Assistant City Attorneys who have been trained and added to the List. Refer to the List for the most current Authorized Personnel.
6. Authorized Personnel are aware of other personnel who are authorized.
7. Authorized Personnel included on the most current List on file with AIU are the only authorized personnel to access, discuss, use, handle, disseminate, file, log and/or destroy the CJI and/or CHRI.
8. To prevent tampering, all terminated Authorized Personnel, the public, all outside persons and entities are prohibited from handling or having any access to CJI and/or CHRI for any reason.
9. Dissemination to an outside agency is prohibited.

#### D. Fingerprint Card Processing

All applicants, employees and volunteers, except those under the age of eighteen (18), whose duties will require interactions with a vulnerable population which may include minors, the elderly, or individuals with disabilities shall be fingerprinted. Applicants, employees and volunteers may provide an unexpired valid Fingerprint Clearance Card in lieu of completing the fingerprint card process.

1. Before a Fingerprint Card (Card) is provided to an applicant, employee or volunteer an Authorized Personnel or designated HR staff member will provide a Fingerprint Packet (Packet) containing the following information:

- a. Pre-filled Card with the employer's address, reason for fingerprint and OCA number (or the originating agency identifier).
- b. Applicant's Privacy Rights Notification (Notification). The Notification will contain the following information:

Your fingerprints will be used to check the criminal history records of the FBI. If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefits must provide you the opportunity to complete or challenge the accuracy of the information in the record. You should be afforded a "reasonable period of time" to correct or complete the record (or decline to do so) before officials deny you the job, license, or other benefits based on information in the criminal history record.

The procedures for obtaining a change, correction or updating of your FBI criminal history record are set forth in Title 28 Code of Federal Regulations, section 16.30 through 16.34. Information on how to review and challenge your FBI criminal record can be found at [www.fbi.gov](http://www.fbi.gov) under Identity History Summary Checks or by calling 304-625-5590.

To obtain a copy of your Arizona criminal history in order to review, update or correct the record, you can contact the Arizona Department of Public Safety Criminal History Records Unit at 602-223-2222 and to obtain a fingerprint card and Review and Challenge Packet. Information on the review and challenge process can be found on the DPS webpage at [www.azdps.gov](http://www.azdps.gov).

- c. Attach the fingerprint technician instructions to a non-transparent sealable envelope addressed to the HR Office and a space for the fingerprint technician to sign upon sealing the envelope.
  - d. Provide fingerprint instructions to the applicant, employee or volunteer on how to handle and return the fingerprint card in the provided envelope.
2. Applicants, employees and volunteers are provided a Packet to take to FPD to get fingerprinted. If the applicant, employee or volunteer wants to use another agency for fingerprinting, approval must be provided by the ASC or Authorized Personnel.
3. The applicant, employee or volunteer should turn in a completed Card in the sealed envelope and a signed Notification to the hiring supervisor or HR office. If the sealed envelope shows evidence of opening or tampering, the applicant, employee or volunteer will be asked to provide another fingerprint card.
4. The Card should have the following information completed by the applicant, employee or volunteer when turning in the Card to the HR office:
  - a. Name – Last, First, Middle.
  - b. Signature of the person fingerprinted.
  - c. Residence of the person fingerprinted.
  - d. Date and Signature of the person who took the fingerprints (i.e. fingerprint technician).
  - e. Date of Birth of the person fingerprinted.
  - f. Sex, Race, Height, Weight, Eyes, Hair and Place of Birth of the person fingerprinted.
  - g. Social Security Number of the person fingerprinted.
5. The fingerprint card sealed envelope and signed Notification will be given to Authorized Personnel to be logged into the Fingerprint Database Excel spreadsheet (Database) with the applicant, employee, or volunteer's first name, last name, hiring section's name, employee (E) or volunteer (V)

status and the date the Card and signed Notification or Fingerprint Clearance Card was received.

6. The completed Cards and signed Notifications are placed in a manila folder and CJI and/or CHRI locked filing cabinet (Cabinet) to be mailed with the Applicant Fingerprint Card Inventory Sheet (Inventory Sheet) to DPS.
7. Authorized Personnel will gather the completed Cards bi-weekly and write the number of the Inventory Sheet into the Miscellaneous Number field on each Card and note whether the person fingerprinted is an applicant, employee or volunteer in the Reason for Fingerprinted field by the Employment PER C.O. (City Ordinance) 2018-31 stamp. Authorized Personnel will also verify whether the applicant, employee or volunteer is over the age of eighteen (18) by reviewing the date of birth of the person fingerprinted.
8. Authorized Personnel will complete the Inventory Sheet. There should be one Inventory Sheet used for applicants and employees and a separate Inventory Sheet for volunteers. The Inventory Sheet will be completed with the following information:
  - a. Date – write the date Authorized Personnel completes the Inventory Sheet.
  - b. Submitting Agency – write the “City of Flagstaff”.
  - c. Submitting Agency’s ORI/OCA Number – write XX014855E.
  - d. Type of Applicant(s) (Check One Box Only) – check regular applicants for applicant or employees and volunteers for volunteers.
  - e. Direct Phone Number of Contact Person – write the telephone number of the Authorized Personnel who completed the Inventory Sheet.
  - f. Applicant’s Name – write the last, first and middle name of each applicant, employee or volunteer in alphabetical order.
  - g. Date of Birth – write the applicant, employee or volunteer’s date of birth as indicated on the Card.

9. Authorized Personnel will update the Database by adding the Inventory Sheet number.
10. Authorized Personnel will make a copy of the Inventory Sheet and complete the following steps:
  - a. Write “please return the check to (the Authorized Personnel’s name) in Human Resources” on the copy of the Inventory Sheet.
  - b. Calculate the total amount due for the check to DPS by account number.
    - i. Applicant and Employees are \$22 per Card.
    - ii. Volunteers are \$20 per Card.
    - iii. If there are applicants, employees or volunteers from different divisions, sections or programs, calculate the total the amount due for each account number (i.e. Recreation \$22, Parks \$20, etc.).
  - c. Write the total amount due for each account number on the copy of the Inventory Sheet.
  - d. Submit the copy of the Inventory Sheet to the HR Manager for submission to Accounts Payable.
11. Authorized Personnel will place the original Inventory Sheet and related Cards in an envelope in the Cabinet while waiting for the check to arrive from Accounts Payable and complete the following steps:
  - a. Create a mailing label to the Arizona Department of Public Safety, Applicant Team One, Mail Drop3190, P.O. Box 18430, Phoenix, Arizona, 85005-8430.
  - b. Place the white copy of the Inventory Sheet and Cards into a non-transparent envelope, use the HR address stamp to add the return address and attach the mailing label. There should be one envelope for applicants and employees and another envelope for volunteers.
  - c. Write “0021” in the right-hand corner above the return address to charge postage to Human Resources – Recruitment.

- d. Paper clip the yellow copy of the Inventory Sheet to the outside of the envelope while waiting for the check from Accounts Payable.
12. Upon receipt of the check from Accounts Payable, Authorized Personnel will complete the following steps:
    - a. Copy the check from Accounts Payable.
    - b. Place the check in the envelope addressed to DPS with the Inventory Sheet and Cards.
    - c. Take the envelope to the outgoing mail box.
  13. Authorized Personnel will clip the copy of the check from Accounts Payable, yellow copy of the Inventory Sheet and signed Notifications together and keep them in the Cabinet while waiting for results from DPS.
  14. Authorized Personnel will update the Database with the date the Inventory Sheet and Cards were mailed to DPS.

E. Handling and/or Retention of CJI and/or CHRI

1. When the results are received from DPS in an envelope addressed to the ASC with a return address of DPS, HR staff will route the envelope to Authorized Personnel without opening the envelope. Only Authorized Personnel will open the envelope that contains CJI and/or CHRI.
2. The criminal history record (Record) will be reviewed by Authorized Personnel to see if there is any criminal history included in the Record.
3. If there are no criminal history in the Record, the Record will be clipped to the copy of the check from Accounts Payable, yellow copy of the Inventory Sheet and signed Notifications in the Cabinet in the month and year manila folder matching the date the Record was filed.
4. Authorized Personnel will add the date the Record was filed in to the Database.
5. If there is criminal history in the Record, Authorized Personnel will complete the following steps:
  - a. Remove the applicant, employee or volunteer's signed Notification from the clipped packet.

- b. Review the applicant, employee or volunteer's position job requirements in comparison to the Record to determine relevancy to the position.
- c. If the Record has a disqualifying factor, Authorized Personnel who reviewed the Record will hand-carry the Record to the HR Manager or HR Director to determine the next steps.
- d. The HR Manager or HR Director will discuss the contents of the Record with the applicant, employee or volunteer in a private and secure manner to obtain any additional information. Extreme care should be taken to prevent overhearing, eavesdropping or interception of communication. The Record is for the City of Flagstaff's use only and an applicant, employee or volunteer may not be given a copy. The applicant, employee or volunteer should be informed that if they wish to challenge the content of the Record, they may contact Arizona Department of Public Safety Criminal History Records Unit for an Arizona criminal history record and the FBI for FBI criminal history.
- e. The applicant, employee or volunteer will be provided with a seven (7) calendar day appeal process upon notification to provide the City of Flagstaff authentic documentation that reports the criminal history information accurately and completely. Information that is provided by the applicant, employee or volunteer within the seven (7) calendar days will be considered prior to a determination of relevancy to the position is made.
- f. The HR Manager or HR Director will contact the Division Director and share general information to determine if an applicant, employee or volunteer would be able to meet the essential functions of the position. The HR Manager and/or HR Director may not share any information about criminal conviction or criminal history with non-authorized personnel.
- g. The HR Manager or HR Director will attach a note to the Record indicating who reviewed the information, if the CJI and/or CHRI is relevant or not relevant to the essential functions of the position and if the applicant, employee or volunteer is approved or not approved to remain in the position.
- h. Authorized Personnel will add the date filed to the Database and file the applicant, employee or volunteer's Record and signed Notification in the Cabinet in the month and year manila folder matching the date the Record was filed.



F. Communication

1. CJI and/or CHRI shall not be copied, emailed, faxed or scanned, or disseminated to secondary parties or the applicant, employee or volunteer. Any casual unauthorized release of information is not permitted (i.e. social media, discussion with friends or family members).
2. CJI and/or CHRI shall only be discussed between Authorized Personnel as necessary to carry out the specific purpose for which the information was requested and all verbal discussion take place in private.

G. Storage of CJI and/or CHRI

1. CJI and/or CHRI shall be retained in accordance with the City's record retention policy and will be stored by month and year.
2. The Cabinet will not contain any other employment records or any files which may be considered public record to prevent unauthorized access or dissemination.
3. The Cabinet is locked throughout the day to prevent unauthorized access by non-authorized personnel.
4. The primary key to the Cabinet is kept secure by the ASC and a back-up key is kept secure with a second Authorized Personnel member and only Authorized Personnel are allowed access to the Cabinet that contains the CJI and/or CHRI. If a key to the Cabinet is lost, the CJI and/or CHRI shall be moved to another secure, limited access location until the Cabinet is re-keyed to prevent unauthorized access.
5. Authorized Personnel are responsible for safeguarding the confidentiality of the information at all times and may not disclose or allow access to the CJI and/or CHRI to anyone except Authorized Personnel.
6. CJI and/or CHRI is always secured and never left unattended.
7. The CJI and/or CHRI information contained in the Record is not electronically stored, but as mentioned above in this policy, some essential information is entered into the Database for reference and tracking purposes and electronically stored.
8. Physical protection of CJI and/or CHRI as well as a physically secure location for CJI and/or CHRI will be shared and verified with DPS.

9. All visitors to the area where CJI and/or CHRI is kept will be accompanied by Authorized Personnel.

#### H. Disposal of CJI and/or CHRI

1. Authorized Personnel shall shred all CJI and/or CHRI within three (3) years after the calendar year of the date filed in accordance with the City's record retention schedule.
2. When the CJI and/or CHRI has met the destruction date in accordance with the City's record retention policy, Authorized Personnel will destroy the CJI and/or CHRI by shredding on-site.
3. In the event of a third-party contractor that performs the shredding, Authorized Personnel will accompany the vendor to oversee the shredding and handling of the CJI and/or CHRI. Authorized Personnel will observe the contractor from the time the shredding receptacle is picked up through the complete destruction of the CJI and/or CHRI.

#### I. Misuse of CJI and/or CHRI

In the event of deliberate, reckless or unintentional misuse of CJI and/or CHRI, Authorized Personnel will be disciplined in accordance with the signed Fingerprint Policy and Procedures Acknowledgement statement, to prevent any consequences of agency suspension or cancellation of fingerprint submission.

Link(s):

[Applicant's Privacy Rights Notification](#)

[Fingerprint Policy and Procedures Acknowledgement](#)

[Fingerprint Training Acknowledgement](#)

[EEOC Enforcement Guidance on the Consideration of Arrest and Conviction](#)

[Records](#)

[Fingerprint Technician Instructions](#)

[Applicant, Employee and Volunteer Fingerprint Instructions](#)

(Ord. No. 2007-39, Amended, 08/07/07, Ord. No. 2018-19, Amended, 07/03/18, Ord. No. 2018-31, Amended, 09/04/18)

**ARTICLE 1-40. EMPLOYEE STATUS – PERSONNEL ACTIONS**

**1-40-010. PROMOTION**

- A. A change in an employee’s work to more extensive duties, together with higher minimum qualifications and pay range, is a promotion. This includes when an employee is transferring from one pay plan to another and the new classification is in a higher pay range than the employee’s current classification.
1. Promotions, as defined in Section 1-40-010 A, will be a division option in filling a vacancy.
  2. When a vacancy occurs within a division, the Division Director may request Human Resources to establish a promotional list of qualified workers.
  3. Upon promotion to another range, an employee shall receive a rate of pay as outlined in Section 1-20-020 H.
  4. Upon promotion, the employee shall be given a new classification date effective at the time of appointment and begin completing an administrative review in the new class. Refer to Section 1-30-061 for more information regarding administrative review.

(Ord. No. 2010-10, Amended, 06/08/10)

**1-40-020. VOLUNTARY REASSIGNMENT**

- A. An employee may request a voluntary reassignment to a lower range for any reason. A voluntary reassignment shall require the approval of the Department Head under whom the employee will serve, the Human Resources Director, and the City Manager. A voluntary reassignment shall not be granted unless a vacancy exists. An employee taking such a voluntary demotion may be placed in any salary step of the appropriate salary schedule that does not provide any increase in salary and shall be given a new classification date for purposes of merit pay increases.
- B. An employee taking a voluntary reassignment may be placed in any salary step of the lower pay grade that does not provide any increase in salary and will be given a new classification date for purposes of merit pay increases and performance evaluations and will complete a six (6) month administrative review. Refer to Section 1-30-061 for more information.
- C. Voluntary reassignment as a result of an impending lay-off shall be in accordance with the provisions of Section 1-40-050 (Reduction in Force).

- D. Employees requesting a voluntary reassignment will be required to complete an administrative review as outlined in Section 1-30-061.

**1-40-030. TRANSFER**

- A. A change of an employee's place of employment from one division to another or from one department to another or from one position to another in the same pay range shall be considered a transfer.
  - 1. If the transfer includes a change from one department to another, both Department Heads must consent to the transfer. The consent of the employee shall not be required when their pay is not affected by the transfer.
  - 2. The employee will maintain his/her current rate of pay and will retain his/her classification date for purposes of merit increases and performance evaluations.
  - 3. No employee shall be transferred to a position for which they do not possess the minimum qualifications, unless the City Manager authorizes an on-the-job training appointment.
  - 4. An employee who transfers to another position in the same pay range, from one division to another or one department to another shall be required to complete an administrative review. Refer to Section 1-30-061 for more information.

**1-40-031. DEMOTION**

- A. When an employee is moved to a lower pay range for disciplinary reasons, this is considered a demotion.
- B. An employee who is demoted shall be placed in any salary step of the appropriate salary schedule that does not provide any increase in salary and shall be given a new classification date for purposes of merit increases and performance evaluations.
- C. Employees who are demoted will be required to complete an administrative review as outlined in Section 1-30-061.

**1-40-040. RESIGNATION**

- A. An employee wishing to leave the City of Flagstaff service in good standing shall file with their supervisor, ten (10) working days before leaving the service, a written resignation stating the effective date and reasons for leaving. Failure of the employee to comply with this procedure shall be entered on their service record and may be cause for denial of future employment with the City.

- B. Upon receiving the signed resignation and a proper department release, the Human Resources Director shall prepare the necessary release documents.
- C. Employees who resign must physically work their last day on the job. If the employee uses accrued leave for his or her entire shift on the last day, then the last day of work will be recorded as the last day the employee physically worked during the notice period.

(Ord. No. 2017-12, Amended, 07/01/2017)

**1-40-050. REDUCTION IN FORCE**

- A. A layoff may occur when one or more of the following conditions exist:

- 1. Shortage of work or funds,
- 2. Material change in duties or organization,
- 3. Business necessity,
- 4. No longer will be providing the service, or
- 5. Other appropriate reasons as determined by the City Manager.

- B. **REDUCTION PROCESS**

- 1. The City Manager or designee shall determine the specific position, job family and/or single classification targeted for reduction.
- 2. The City's first preference is to reduce its workforce through voluntary options such as internal reassignment and natural attrition. When these options are insufficient to meet the City's needs, individual positions will be eliminated.
- 3. When there is more than one employee in the position identified for reduction, the immediate supervisor will use the performance matrix to determine which employee(s) will be part of the reduction.
- 4. The matrix results will be reviewed and approved by the Section Head, Division Director, Human Resources Director or designee and the City Manager or designee.
- 5. Once a decision has been made, the immediate supervisor and the Human Resources Director or designee will meet with the employee. The employee will be provided information on the placement process, job placement assistance and the Employee Assistance Program.

6. An employee will be notified at least ten (10) working days in advance of a reduction in force.
7. Human Resources will provide the employee with information relating to benefits, retirement and unemployment.
8. The City Manager will determine when a severance agreement will be offered as part of a reduction in force. Any severance agreements will be mailed to the employee's home address via certified mail within forty-five (45) calendar days of a reduction in force.
9. Employees who are part of a reduction in force and in good standing will remain on the City's re-employment list for one year from the date of reduction.

C. PERFORMANCE MATRIX

To determine objectively which employees are to be part of a reduction in force, the following factors will be used on a division basis:

1. Length of continuous service with the City.
  - a. Tenured part-time employee's years of service will be pro-rated based on the number of hours worked. For example, a 20-hour per week employee would receive one-half (0.5) a year of service for twelve (12) months of work.
  - b. Length of service should be based on the following scale:

<u>Years of Service</u>	<u>Performance Matrix Score</u>
1 to 5 years	1
6 to 10 years	2
11 to 15 years	3
16 to 20 years	4
21 or more years	5

2. Employee skills, training, and job knowledge as determined by their three (3) most current annual evaluations.
  - a. The annual evaluations must have been given by the employee's current division, previous evaluations should not be considered.
  - b. If the employee has not received an annual evaluation or has less than three annual evaluations, the supervisor should use the most recent evaluations on file.

3. Any performance documented outside of the most recent evaluation such as disciplinary actions, letters of commendation or awards may be included in the performance matrix scoring. If the performance had not been documented, it should not be included.
4. The supervisor's evaluation should be based on an employee's actual performance and not on personal prejudice, bias or favoritism.

D. PLACEMENT PROCESS

1. The employee will complete the personal skills inventory form indicating their skills, abilities and education and what type of work they are interested in pursuing.
2. Human Resources will review the personal skills inventory form and will contact employees as funded position become vacant.
3. If there is more than one employee in the reduction in force that meet the minimum qualification, there will be a competitive process to determine who is the most qualified candidate.
4. If there is only one employee in the reduction in force and a funded position become vacant within the same division, the Division Director may choose to offer the vacant position to the employee without a competitive process.
5. If there is only one employee in the reduction in force and a funded position becomes vacant in another division, the employee will interview with the hiring supervisor.
  1. If an employee meets the minimum qualifications of the position or has the ability to meet the minimum qualifications within a six (6) month period, the employee may be offered the position.
  2. If the employee does not meet the minimum qualification of the position or will not have the ability to meet the minimum qualification of the position, the position will be opened up for a more competitive recruitment process.

Forms: Reduction in Force Matrix

Personal Skills Inventory Form

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

**1-40-060. RETIREMENT**

- A. An employee wishing to retire shall file with their supervisor, at least two (2) weeks before the effective date of retirement, a written request stating the effective date.
  - 1. The retirement request shall be forwarded to the Human Resources Director, who shall prepare the proper documents for retirement of the employee.
- B. The Arizona Revised Statutes shall govern the retirement procedures for the City.

**1-40-070. UNAUTHORIZED LEAVE WITHOUT PAY**

See Section 1-50-090

**1-40-080. REPRIMAND**

A reprimand may be issued by a Department Head or 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 Human Resources Director for insertion in the employee's 201 file.

**1-40-090. SUSPENSION WITHOUT PAY**

- A. A Department Head, with review of the Human Resources Director, may suspend an employee at any time for up to five (5) working days for disciplinary purposes. Suspension without pay in this paragraph constitutes a temporary loss of pay status levied as a penalty for an offense where the cause is not sufficiently serious enough for demotion or dismissal.
  - 1. Upon taking such action, the Department Head shall file with the employee and the Human Resources Director a written notification containing a statement of the substantial reasons for the action and the effective date of the action.
  - 2. No classified employee shall be suspended for more than thirty (30) calendar days at one time, nor shall any employee be penalized by suspension for more than thirty (30) calendar days in any fiscal year.
  - 3. Except as provided in Subsection B of this Section, the suspension of any employee beyond five (5) working days, for each incident, shall require approval of the City Manager.
- B. A Department Head may suspend a classified employee without pay where the Department Head's intention is to recommend that the employee be dismissed pursuant to Section 1-40-120. All such suspensions shall be immediately reported



to the City Manager. At the time of such suspension, the classified non-probationary employee who has been suspended shall receive a written statement of the reasons for such proposed action and be notified that they may have a hearing concerning the proposed dismissal before the Personnel Board, if requested within seven (7) days following suspension, and invoke the procedures of Section 1-10-040. If no such hearing is requested within seven (7) days after said written notice is given to the employee, the Department Head shall forward to the City Manager a Personnel Action Form with their recommendation as to dismissal. The City Manager shall accept in whole or in part, or reject, the recommendations of the Department Head. The City Manager's decision shall be final.

**1-40-100. SUSPENSION WITH PAY**

Department Heads may suspend an employee with pay for a three (3) day working period for the purpose of expediting an investigation of an allegation, which if true, may result in suspension or discharge. The City Manager may authorize a longer period where necessary. All such suspensions shall be reported immediately to the City Manager.

**1-40-110. DEMOTION PROCESS**

Department Heads wishing to demote a classified employee must forward to the City Manager and Human Resources Director a written statement of the reasons for such proposed action, as well as give the employee a copy of the written statement of the reasons for such proposed action, and notification of their right to a hearing concerning the proposed demotion before the Personnel Board, if so requested within seven (7) days after receiving notice in accordance with the procedures of Section 1-10-040. If no appeal is filed with the Personnel Board, the City Manager shall act upon the Department Head's recommendation and shall accept in whole or in part, or reject, said recommendations. The City Manager may initiate the demotion of an employee whose ability to perform their required duties falls below standard as evidenced by the employee's performance evaluation, or for disciplinary purposes. Written notice of the demotion shall be given to the employee before the effective date of the demotion, and an opportunity afforded to the employee to invoke the provisions of Section 1-10-050 D in regard to the said demotion.

**1-40-120. DISMISSAL**

Any unclassified employee, except those appointed by the City Council may be dismissed at any time by the City Manager. Prior to dismissal, the City Manager shall meet with the employee to generally discuss the reasons for dismissal. At that time, the unclassified employee will have the opportunity to personally respond to the reasons. After consideration of the employee's response, the City Manager may, at or following the meeting, act to dismiss the unclassified employee, if in the City Manager's sole discretion there are reasons for dismissal. The decision of the City Manager is final. Reasons for dismissal include any reasons which are not arbitrary or capricious or a violation of law,

which in the City Manager's sole discretion interferes with the effective and efficient operation of the City. The reasons for dismissal need not rise to the level of a for cause reason(s) as required for a classified employee. In keeping with the provisions of Article 1-10-030 (2), the purpose of the unclassified service is to create a responsive management team and unclassified employees serve at the pleasure of either the City Manager or the City Council as determined by the City Charter.

**1-40-121. DISMISSAL OF CLASSIFIED EMPLOYEES**

- A. If, in the City Manager's judgment, an emergency situation exists which requires the immediate dismissal or suspension for cause, with or without pay, of a classified employee without a pre-termination hearing, the City Manager may suspend or discharge said employee, giving the employee a written statement of the reasons for said action and said employee shall have the right to a post-termination hearing as provided in Section 1-10-040 hereof.
  
- B. The tenure of classified employees shall be secure during acceptable conduct and satisfactory performance of their duties and responsibilities. Each of the following shall constitute grounds for dismissal of a classified employee:
  - 1. That the employee is inefficient in the performance of their duties and responsibilities.
  - 2. That the employee is unsafe to self or other employees in the performance of their duties and responsibilities.
  - 3. That the employee has been abusive in their attitude, language, behavior, or conduct toward a fellow employee, a supervisor, or the public, or that their action has resulted in physical harm, injury, or fear of same to such persons.
  - 4. That the employee has been insubordinate, willfully disobedient, or has failed to obey any lawful and reasonable direction from an appropriate supervisor.
  - 5. That the employee has accepted a fee, gift, or other valuable consideration in the course of performing their duties and responsibilities which is given and/or received with the hope or expectation of receiving favored treatment or other special considerations.
  - 6. That the employee has been convicted of a felony while employed by the City.
  - 7. That the employee has falsified any document, report, or statement relating to their employment with the City of Flagstaff.

8. That the employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
  9. That the employee has been inexcusably absent, has failed to receive prior approval for any paid or unpaid absence, or has abandoned their position.
  10. That the employee has been guilty of intentional discrimination because of race, color, religion, sex, age, veteran's status, citizenship, non-disqualifying disability, or national origin.
  11. Failure to properly report an accident involving City property or City liability.
  12. That the employee's attendance is such that the efficiency or effectiveness of the program is impeded.
  13. That the employee has violated guidelines governing outside employment.
  14. That the employee has stolen public or private property, misappropriated City funds, or has been an accomplice in any of these activities while employed by the City of Flagstaff.
  15. That the employee has consumed alcoholic beverages or any other intoxicants or illicit drugs, including marijuana or other controlled substances without lawful prescription, during working time or while on special assignment, without prior approval of the City Manager or the Department Head, or that the employee has reported to work in an intoxicated condition.
- C. It should be noted that the aforementioned listing is not exclusive in nature and is intended only to indicate a range of actions that are considered grounds for dismissal.

#### **1-40-122. DISMISSAL OF PROBATIONARY EMPLOYEES**

A non-exempt employee may be dismissed while on probation when the employee is not progressing or performing satisfactorily and the supervisor has made a reasonable effort to coach the employee and ensure he or she understand the expectations of the position.

##### **A. DISMISSAL PROCESS**

- A. The supervisor will recommend the termination of the probationary employee to the Division Director.
- B. Upon approval from the City Manager or designee, the Division Director will meet with the employee to notify them of the dismissal and provide written notification of dismissal for the employee to acknowledge.

- C. The Division Director will notify the Human Resources Director and Payroll immediately.
  - D. The written acknowledgment will be placed in the employee's personnel file.
  - E. Payroll will provide the employee's last paycheck within three days of the notice of dismissal.
- B. Employees who are dismissed while completing their probation do not have access to the Personnel Board or the formal grievance procedure.

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

**ARTICLE 1-50. LEAVE**

**1-50-010. HOLIDAY LEAVE**

Benefit Eligible employees are eligible to receive paid time off or compensatory time for City Holidays and a Floating Holiday each calendar year.

**A. DEFINITIONS**

- 1. "City Holidays" include the following holidays: New Year's Day, January 1<sup>st</sup>; Martin Luther King Day, Third Monday in January; President's Day, Third Monday in February; Memorial Day, Last Monday in May; Independence Day, July 4<sup>th</sup>; Labor Day, First Monday in September; Veteran's Day, November 11<sup>th</sup>; Thanksgiving Day, Fourth Thursday in November; Day After Thanksgiving, Fourth Friday in November; and Christmas Day, December 25<sup>th</sup>.
- 2. "Floating Holiday" is paid time off equal to one (1) Working Day each calendar year.
- 3. "Holiday Compensatory Time" is compensatory hours accrued by an employee in lieu of Holiday Leave pursuant to this policy.
- 4. "Holiday Leave" is paid leave entitling the employee to receive his or her regular rate of compensation on a City Holiday.
- 5. "Holiday Time Worked" is the hours worked on a City Holiday that are compensated at one and half times the employee's regular rate of compensation.

**B. ELIGIBILITY**

- 1. Holiday Schedules and Holiday Leave

- a. Benefit Eligible Employees who are not Shift Employees observe City Holidays that fall on a Sunday the following Monday and holidays that fall on a Saturday the preceding Friday. Benefit Eligible Employees receive Holiday Leave for City Holidays observed, except as provided below.
  - b. Benefit Eligible Shift Employees observe the day of the City Holiday. Benefit Eligible Shift Employees receive Holiday Leave for City Holidays observed, except as provided below.
  - c. If a City Holiday falls on an employee's regularly scheduled Working Day and the employee does not work, they will receive Holiday Leave.
  - d. Holiday Leave will be pro-rated for Part-time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
  - e. Temporary Employees receive regular pay for hours worked on a City Holiday.
2. Holiday Compensatory Time and Holiday Time Worked
- a. If a City Holiday falls on an employee's regularly scheduled day off and the employee does not work, the employee will accrue one (1) Working Day of Holiday Compensatory Time.
  - b. If a City Holiday falls on an employee's regularly scheduled day off and the employee does work, the employee will accrue one (1) Working Day as Holiday Compensatory Time plus Holiday Time Worked.
  - c. If a City Holiday falls on an employee's regularly scheduled Working Day and the employee does work, the employee will receive Holiday Leave plus will be paid Holiday Time Worked.
  - d. Employees may accrue Holiday Compensatory Time earned.
    - i. The Holiday Compensatory Time accrual is unlimited, but must be reduced to three (3) Working Days of Holiday Compensatory Time (24 hours) by October 1<sup>st</sup>, except Fire Suppression Employees whom shall reduce Holiday Compensatory Time to a maximum of five (5) Working Days (or 56 hours).

- ii. All Holiday Compensatory Time accruals over the maximum that are not used prior to October 1<sup>st</sup> shall be forfeited.
  - e. Holiday Compensatory Time may be used in fifteen (15) minute increments.
- 3. Exception from Holiday Leave or Holiday Compensatory Time: Any employee who is suspended or on unpaid leave on either the regularly scheduled Working Day immediately preceding or immediately following the City Holiday shall not receive Holiday Leave or Holiday Compensatory Time. Unpaid leave includes when the employee does not have sufficient paid leave time to cover the entire scheduled Working Day.
- 4. Floating Holiday
  - 1. Each Full-Time Benefit Eligible Employee accrues one (1) Floating Holiday annually. The Floating Holiday is pro-rated for Part-Time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
  - 2. Floating Holiday may be used in fifteen (15) minute increments.
  - 3. Floating Holiday accrues in January and must be used by December 31<sup>st</sup>. A Floating Holiday shall not carry over into the next calendar year.
  - 4. Floating Holiday may not be donated per Section 1-50-100 *Donated Leave*.

#### C. PROCEDURES

- 1. All Holiday Pay and Holiday Compensatory Time shall be recorded through the City's payroll procedures.
- 2. Employees may use Holiday Compensatory Time hours accrued with the advance written approval of their immediate supervisor.
- 3. An employee shall submit a leave of absence form to the immediate supervisor to record the leave through the City's payroll procedures.

#### D. EFFECTS OF TERMINATION OF EMPLOYMENT

- 1. Employees may take the Floating Holiday after submitting a notice of resignation with approval from the immediate supervisor, except for the last day of the notice period.

2. Floating Holiday is forfeited and is not paid out upon termination of employment.
3. Holiday Compensatory Time is paid out up to the maximum three (3) Working Days or five (5) Working Days for Fire Suppression Employees allowed as stated in section B.2.e. above upon termination of employment.

Link(s): [Arizona Revised Statute Section 38-608](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2007-39, Amended, 08/07/07); (Ord. No. 2017-12, Amended, 07/01/17)

### **1-50-011. HOLIDAY AMORTIZATION PLAN**

Based on the City's Holiday Amortization Plan, employees may receive periodic salary payments for up to eleven (11) paid holidays per for three (3) consecutive years prior to retirement, with the option to continue employment. This is in lieu of a lump sum payment for accumulated holiday compensatory time upon termination of employment.

#### **A. Eligibility Requirements**

Eligibility is limited to employees who will be terminating employment through retirement and have seventeen (17) years of credited service in the Public Safety Retirement System and are not enrolled in the DROP Program with the Public Safety Retirement System. The employee must be a member of and fulfill all the requirements for a regular pension under the Public Safety Personnel Retirement System in accordance with the respective retirement program rules.

#### **B. Participation Requirements and Results**

1. Eligible employees must declare the date on which they intend to retire by submitting a Holiday Amortization form and a personnel action form to the Human Resources Director for approval. Employees who submit a request 37 months prior to their retirement date will receive amortization payments for a full thirty-six (36) month period. Otherwise, only those holidays which remain between receipt of formal notice and date of retirement will be eligible.
2. Employees who participate in the plan receive Holiday Amortization pay in the following ways:
  - a. If the holiday falls on an employee's regularly scheduled workday and the employee does not work, he/she will have elected to substitute vacation or compensatory leave for that holiday, plus receive Holiday Amortization pay.

- b. If the holiday falls on an employee's regularly scheduled workday and the employee does work, classified employees receive regular wages for the holiday plus time and one-half for the actual hours worked.
  - c. If the holiday falls on an employee's regularly scheduled day off and the employee does not work, he/she will receive Holiday Amortization pay only.
  - d. For classified employees, if the holiday falls on an employee's regularly scheduled day off and the employee works, he/she will receive compensation at the rate of time and one-half for hours worked, plus receive Holiday Amortization pay.
3. In order to receive the one (1) work day Holiday Amortization benefit, FLSA employees shall either work or take vacation time that is equivalent to an assigned shift.
  4. Note that leave time amortized under this plan will not count as hours worked for purposes of computing overtime or accrual of other paid leaves.
  5. In accordance with Section 1-50-080 of the Employee Handbook, employees in a leave-without-pay status are not eligible for holiday pay and, therefore, are not eligible to participate under the Holiday Amortization Plan.

C. Administrative Procedures

The Human Resources Director will forward a copy of the amortization form and personnel action form to Payroll. The original amortization form will be retained in the employee's 201 file.

1. Once an employee elects to participate in this plan, the department will be responsible for the payroll entry of the Holiday Amortization pay as the holiday falls within the pay period.
2. Holiday Amortization pay will be included in the employee's bi-weekly paycheck.
3. Once an employee elects to participate in the Holiday Amortization Plan, he/she cannot rescind their election; he/she must participate the full three (3) years or until retirement, whichever is earlier. If the employee changes his/her retirement date past the original three (3) year span, he/she is ineligible to participate in the plan again.



4. Employees planning to retire will continue to follow the provisions of Section 1-40-060 of the Employee Handbook regarding employee retirement.

**1-50-020. VACATION LEAVE**

Benefit Eligible Employees are eligible to receive paid time off for vacation leave after six (6) months of continuous service.

**A. ELIGIBILITY**

1. The City Manager or designee may authorize an employee, upon hire, to accrue vacation at any rate within the Table A or Table B below, based on years of experience.
2. Employees may use vacation leave in fifteen (15) minute increments.
3. Full-Time Benefit Eligible Employees will accrue vacation as set forth in Table A. Part-Time Benefit Eligible Employees will accrue vacation leave pro-rated by multiplying the number of hours worked during a pay period times the percent accrued per pay period listed in Table A.

**TABLE A**

Non-Exempt Employees Years of Service	Exempt Employees Years of Service	Days Accrued Per Year of Service	Percent Accrued Per Pay Period	Hours Accrued Per Pay Period	Vacation Hours Maximum
1-4		11	4.24%	3.39	132
5-9		13	5.01%	4.01	156
10-14	1-4	16	6.16%	4.93	192
15-19	5-9	18	6.92%	5.54	216
20-24	10-14	21	8.08%	6.46	252
25-29	15-19	23	8.85%	7.08	276
30+	20-24	26	10.00%	8.00	312
	25-29	28	10.77%	8.62	336
	30+	31	11.92%	9.54	372

4. Fire Suppression Employees will accrue vacation leave as set forth in Table B:

TABLE B

Fire Suppression Commissioned Non-Exempt Employees Years of Service	Fire Suppression Commissioned Exempt Employees Years of Service	Days Accrued Per Year of Service	Percent Accrued Per Pay Period	Hours Accrued Per Pay Period	Vacation Hours Maximum
1-4		11	4.24%	4.75	185
5-9		13	5.01%	5.61	219
10-14	1-4	16	6.16%	6.90	269
15-19	5-9	18	6.92%	7.75	302
20-24	10-14	21	8.08%	9.05	353
25-29	15-19	23	8.85%	9.91	386
30+	20-24	26	10.00%	11.20	437
	25-29	28	10.77%	12.06	470
	30+	31	11.92%	13.35	521

5. Employees may accrue vacation hours up to the maximum set forth in the tables above, which reflect the maximum vacation hours than can be accrued in eighteen (18) months of continuous service. All vacation hours over the maximum allowed that are not used by June 30<sup>th</sup> shall be forfeited, unless carryover is approved as set forth in the Procedures below.
6. New employees may not use accrued vacation leave within the first six (6) months of employment for the City.
7. Employees may donate vacation leave per Section 1-50-100.

**B. PROCEDURES**

1. Employees wishing to utilize leave shall submit a leave of absence form to the immediate supervisor to obtain approval in advance of leave. The supervisor is responsible for authorizing and scheduling employee time off requests while balancing the work program. Length of service shall be used to resolve conflicts over vacation periods between employees of the same classification.
2. All vacation leave shall be recorded through the City's payroll procedures.
3. An employee may submit a written request to carryover his or her vacation hours in excess of the maximum past June 30<sup>th</sup> with approval from the immediate supervisor, Section Head, Division Director and Human Resources. Human Resources will notify the employee of the final decision. If approved, the employee may not request to carryover vacation

hours in excess of the maximum again for two years; unless the employee has submitted a letter of retirement and the City requests the employee extend their planned retirement date due to extenuating circumstances or the City Manager's office requests postponement of planned vacation due to business needs.

4. In the event one or more City Holidays fall within a period of vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended or credited accordingly.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may take vacation leave after submitting a notice of resignation with approval from the immediate supervisor, except for the last day of the notice period.
2. Employees who have satisfactorily completed six (6) months of service and who terminate employment shall be paid in a lump sum for all unused vacation leave accrued prior to the effective date of termination.

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2007-39, Amended, 08/07/07); (Ord. No. 2018-18, Amended 06/05/18)

**1-50-029. EARNED PAID SICK TIME**

Employees are eligible to accrue and use Earned Paid Sick Time for Sick Leave, Family Member Sick Leave, Crime Victim Leave, Public Health Emergency Leave, and Family Medical Leave.

A. BENEFIT ELIGIBLE EMPLOYEES ACCRUAL

1. Full-Time Benefit Eligible Employees shall accrue Earned Paid Sick Time at the rate of one (1) Working Day for each calendar month of service, not to exceed one thousand and forty (1,040) hours.
2. Part-Time Benefit Eligible Employees shall accrue Earned Paid Sick Time on a pro-rated basis by multiplying the number of hours worked during a pay period times 4.62%.
3. Benefit Eligible Employees may use up to six (6) days of Earned Sick Time during the first six (6) months of employment, regardless of the number of hours accrued. Earned Paid Sick Time hours not yet accrued that are used during the first six (6) months of employment will be

deducted from the final paycheck should an employee leave City service during the first six (6) months.

B. TEMPORARY EMPLOYEES ACCRUAL

1. Temporary Employees shall accrue Earned Paid Sick Time at the rate of one (1) hour for every thirty (30) hours worked, measured from the Date of Hire.
2. Temporary Employees are eligible to use accrued Earned Paid Sick Time after a waiting period of ninety (90) days from the Date of Hire.
3. Temporary Employees may use up to forty (40) hours of accrued Earned Paid Sick Time per year, measured from the Date of Hire.

C. PAYOUTS OF UNUSED BENEFIT ELIGIBLE EMPLOYEES ACCRUAL

1. Benefit Eligible Employees who have accrued more than one thousand and forty (1,040) hours of Earned Paid Sick Time shall be paid one (1) Working Day for each two (2) Working Days of unused time accrued in excess of the one thousand and forty (1,040) hours on the first pay period in December.
2. Benefit Eligible Employees leaving City service shall be paid for unused Earned Paid Sick Time at a rate of one (1) Working Day for each two (2) Working Days of unused time, if the employees are:
  - a. Retiring from City employment and receiving retirement benefits from Public Safety Retirement System (PSPRS) or the Arizona State Retirement System (ASRS); or
  - b. Resigning or terminated from City employment, with a minimum of twenty (20) years of service as a City employee.
3. Earned Paid Sick Time may not be donated per Section 1-50-100 *Donated Leave*.

D. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may use Earned Paid Sick Time after submitting a notice of resignation. The employee must work the last day of the notice period.
2. Earned Paid Sick Time is not paid out upon termination of employment unless the employee is Benefit Eligible and meets the requirements outlined in Section 1-50-029.C.2. *Payouts of Unused Benefit Eligible Employees Accrual.*

E. EFFECTS UPON REHIRE

If an employee is rehired by the City within nine (9) months after separation of employment, the employee will be credited with any accrued Earned Paid Sick Time that had not been used or paid out during the prior employment with the City, and this credited time will be available for immediate use.

F. RETALIATION PROHIBITED

1. Retaliation or discrimination against an employee for asserting any claim or right to use Earned Paid Sick Time in compliance with City policy is prohibited. Use of accrued Earned Paid Sick Time in compliance with City policy may not be considered as part of any discipline, discharge, demotion, suspension or other adverse action.
2. An immediate supervisor may make temporary arrangements to ensure work is completed in a timely or efficient manner while an employee is using accrued Earned Paid Sick Time and such arrangements do not constitute an adverse action.
3. If an employee has a concern about possible violation of this policy, the concern should be addressed through Section 1-10-022 *Grievance Procedure*. The Human Resources Division will review the grievance in accordance with such section and A.R.S. [§ 23-364](#).

Link(s): Arizona Revised Statute Section [23-364](#)

(Ord. No. 2017-12, Amended, 07/01/17)

**1-50-030. SICK LEAVE**

Benefit Eligible Employees are eligible to use Earned Paid Sick Time when work time is missed due to the employee's Injury, Illness or Medical Care.

**A. ELIGIBILITY**

1. Employees may use accrued Earned Paid Sick Time hours to care for oneself due to Injury, Illness or Medical Care.
2. In the case of personal sickness or injury where employees are capable of performing Light Duty, the employee shall advise their immediate supervisor, Section Head or Division Director who may make arrangements, provided Light Duty is available.
3. Employees may use sick leave in fifteen (15) minute increments.

**B. PROCEDURES**

1. Employees may request sick leave by notifying the employee's immediate supervisor, Section Head, or Division Director one hour prior to the beginning of their scheduled work shift.
2. In emergency situations where the need to take leave was not foreseeable, the employee shall notify the supervisor as soon as possible and explain the circumstances to the immediate supervisor, Section Head, or Division Director.
3. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
4. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's leave through the City's payroll procedures.
5. The immediate supervisor, Section Head, Division Director, Human Resources Director or designee, may require a medical certification to document the Injury, Illness or Medical Care of the employee when the employee's absence is three or more consecutive work days.
6. Any health information in City possession shall be kept confidential and shall not be disclosed to anyone except to the affected employee, or except with written permission of the affected employee.
7. Employees diagnosed with a serious and/or ongoing medical condition may have additional coverage under Section 1-50-050 *Family Medical Leave* and/or Section 1-10-014 *Americans with Disability Act*.

8. Employees with work related injuries have coverage under Section 1-50-030.10 *Sick Industrial Leave*.
9. In the event one or more City Holidays fall within a period of sick leave, such holiday shall not be charged as sick leave.
10. In the event an employee is on vacation leave and becomes injured, ill or needs medical care, the work time missed may be changed to sick leave for the date of Injury, Illness or Medical Care.

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2017-12, Amended, 07/01/17)

### **1-50-030.10. SICK INDUSTRIAL LEAVE**

#### **A. PURPOSE**

Employees receiving temporary disability payments under the Workers' Compensation laws may receive their full salaries from the City provided they submit to the City any disability payment received from the City Workers' Compensation insurance carrier. The purpose of this regulation is to ensure that an employee does not suffer an economic hardship as a result of a work-related injury, as well as to ensure that the employee will not be making a financial gain as a result of an injury. It is the employee's prerogative to determine whether they wish to continue on the City payroll or whether they wish to accept disability payments from the City's Workers' Compensation insurance carrier.

#### **B. ELIGIBILITY**

Employees who are temporarily off duty due to a job-related injury may remain on payroll by submitting a doctor's excuse from the City's designated Workers' Compensation medical provider to their immediate supervisor, who will forward it to Human Resources. Exceptions may be made regarding the medical provider if the injury occurs while out of town on City business.

1. Excused time off from work from the 1<sup>st</sup> to the 15<sup>th</sup> calendar day of the on-the-job injury shall not be charged to the employee's accrued sick leave balance, rather it will be recorded as Regular-Excused (R.X.).
2. All regular benefits will be continued with the exception that sick leave and vacation will not accrue for the hours that payroll is generated under Regular-Excused (R.X.).
3. Intermittent hours taken within the employee's regular work hours shall be recorded as R.X. hours for required doctors' appointments for treatment of the on-the-job injury with medical documentation submitted to their immediate supervisor, who will forward it to Human Resources. Any

hours spent outside of the employee's normal shift for required doctors' appointments or treatment of the on-the-job injury will not be counted as hours worked or R.X.

4. Employees receiving full salary from the City, as well as disability payments under Workers' Compensation, must submit to the City any funds received from Workers' Compensation.

### C. PROCESS

From the 16<sup>th</sup> to the 90<sup>th</sup> calendar day off duty for the same on-the-job injury, an employee who qualifies for Workers' Compensation benefits may remain on payroll under Sick Industrial (S.I.) with recommendation by the appropriate Department Head and approval by the Risk Manager. As part of the review, the Risk Manager may at any time request that an examination be conducted by a licensed physician of the City's choice and paid by the City. Should an employee refuse to participate in the examination, disciplinary action may be taken. Should S.I. be denied, the employee may appeal to the Accident Review Board for review and recommendation by the City Manager.

1. Excused time off from work from the 16<sup>th</sup> to the 90<sup>th</sup> calendar day of the on-the-job injury shall not be charged to the employee's accrued sick leave balance, rather it will be recorded as Sick Industrial (S.I.) and be counted towards Family & Medical Leave (FMLA).
2. All regular benefits will be continued with the exception that sick leave and vacation will not accrue for the hours that payroll is generated under S.I.
3. Intermittent hours taken within the employee's regular work hours may be recorded as S.I. hours for required doctors' appointments or treatment of the on-the-job injury with medical documentation submitted to their immediate supervisor, who will forward it to Human Resources. Any hours spent outside of the employee's normal shift for required doctors' appointments or treatment of the on-the-job injury will not be counted as S.I., overtime, or compensatory time.
4. City employees receiving full salary from the City, as well as disability payments under Workers' Compensation, must submit to the City any funds received from Workers' Compensation.

An employee may remain on payroll while temporarily off duty due to an on-the-job injury for no longer than ninety (90) working days for any one injury. Extension of the above policy may be granted based upon review of medical documentation by the Risk Manager and the appropriate Department Head, with approval of the City Manager. As part of the initial review, or extension review, the City may at any time require an



examination by a licensed physician of the City's choice, the cost to be paid by the City.

It is the City's intent and policy to place every employee who is temporarily disabled due to an on-the-job injury in a light-duty position. The job duties are to be within any prescribed limitations as set by a licensed physician. The may place any employee eligible for light duty within any City department. This policy will not be applied retroactively.

#### **1-50-031. FAMILY MEMBER SICK LEAVE**

Employees are eligible to use Earned Paid Sick Time when work time is missed to care for the employee Family Member's Injury, Illness, or Medical Care.

##### **1. ELIGIBILITY**

1. Employees may use accrued Earned Paid Sick Time hours to care for the Employee Family Member's Injury, Illness, or Medical Care.
2. Employees who are capable of performing Light Duty while caring for their Family Member's Injury, Illness, or Medical Care shall advise their immediate supervisor, Section Head or Division Director, who may make arrangements for Light Duty when available.
3. Employees may use Family Member sick leave in fifteen (15) minute increments.

##### **B. PROCEDURES**

1. Employees may request Family Member sick leave by notifying their immediate supervisor, Section Head, or Division Director one hour prior to the beginning of their scheduled work shift.
2. In emergency situations where the need to take leave was not foreseeable, the employee shall notify the supervisor as soon as possible and explain the circumstances to the immediate supervision, Section Head, or Division Director.
3. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
4. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's leave through the City's payroll procedures. The form should indicate the name and relation of the Family Member.

5. The immediate supervisor, Section Head, Division Director, Human Resources Director may require the employee to provide a health care professional's documentation of the Family Member's Illness, Injury, or Medical Care where the employee uses Family Member Earned Paid Sick Time of three or more consecutive work days. However, the City may not require disclosure of details as a condition of providing Earned Paid Sick Time.
6. Any health information in City possession shall be kept confidential and shall not be disclosed to anyone except to the affected employee, or except with written permission of the affected employee.
7. Employees who need to care for Family Members may have additional coverage under Section 1-50-050 *Family Medical Leave*.

Link(s): Arizona Revised Statute Section [23-373](#)  
Arizona Revised Statute Section [23-377](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2009-12, Amended, 05/19/09); (Ord. No. 2007-39, Amended, 08/07/07); (Ord. No. 2017-12, Amended, 07/01/17)

**1-50-032. CRIME VICTIM LEAVE**

Employees who are victim of a crime or juvenile offense are eligible to use Earned Paid Sick Time when work is missed to take crime victim leave. Crime leave is also available for an employee to receive services related to recovering from domestic violence, sexual violence, abuse or stalking, or for an employee to obtain such services for a Family Member.

**1. ELIGIBILITY**

1. An employee who is the victim of a crime or juvenile offense is eligible to use accrued Earned Paid Sick Time when work time is missed to:
  - a. Attend a proceeding pursuant to A.R.S. § 8-420 or § 13-4439; or
  - b. Appear in Court or meet with Legal Counsel to seek an order of protection, injunction, or other injunctive against harassment relief to help ensure the health, safety or welfare of the victim or victim's child.
2. An employee is eligible to use accrued Earned Paid Sick Time when work time is missed due to domestic violence, sexual violence, abuse or stalking

pursuant to A.R.S. § 23-373.A.4 where the leave is to allow the employee to obtain for the employee or the employee's Family Member:

- a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
  - b. Services from a domestic violence or sexual violence program or victim services organization;
  - c. Psychological or other counseling;
  - d. Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
  - e. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.
3. Employees on crime victim leave may use accrued Earned Paid Sick Time while on crime victim leave.
  4. Employees may use crime victim leave in fifteen (15) minute increments.

## 2. PROCEDURES

1. Employees may request crime victim leave by notifying the employee's immediate supervisor, Section Head, or Division Director of the need for leave.
2. In emergency situations where the need to take leave was not foreseeable, the employee shall notify the supervisor as soon as possible and explain the circumstances to the immediate supervisor, Section Head, or Division Director.
3. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.

4. An employee shall submit a leave of absence form to the immediate supervisor to record the crime victim leave through the City’s payroll procedures. The form should indicate the name and relation of the Family Member, if applicable.
5. The immediate supervisor, Section Head, Division Director, or Human Resources Director may require the employee to provide reasonable documentation of the need for crime victim leave where the employee uses Earned Paid Sick Time of three or more consecutive work days. However, the City may not require disclosure of details as a condition of providing Earned Paid Sick Time.
6. Any crime victim information in City possession shall be kept confidential and shall not be disclosed to anyone except to the affected employee, or except with written permission of the affected employee.

Link(s): Arizona Revised Statute Section [8-420](#)  
Arizona Revised Statute Section [13-4439](#)  
Arizona Revised Statute Section [23-373](#)  
Arizona Revised Statute Section [23-377](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13), (Ord. No. 2017-12, Amended, 07/01/17)

### **1-50-033. PUBLIC HEALTH EMERGENCY LEAVE**

Employees are eligible to use Earned Paid Sick Time when work is missed to take Public Health Emergency leave.

#### **A. DEFINITION**

“Public Health Emergency” means the occurrence or imminent threat of an illness or health condition caused by a highly contagious disease, pandemic flu, spill or release of hazardous material or gas, or other pollutant or toxin that jeopardizes public health, or unsafe building occupancy conditions.

#### **B. ELIGIBILITY**

1. Employees are eligible to use accrued Earned Paid Sick Time when work time is missed for a Public Health Emergency leave pursuant to A.R.S. § 23-373.A.3 for any of the following reasons:

- a. Closure of the employee's place of business by order of a public official due to a Public Health Emergency; or
  - b. Employee's need to care for a child whose school or place of care has been closed by order of a public official due to a Public Health Emergency; or
  - c. Care for oneself or a Family Member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or Family Member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or a Family Member has actually contracted the communicable disease.
2. Employees may use Public Health Emergency leave in fifteen (15) minute increments.

#### C. PROCEDURES

1. Employees may request Public Health Emergency leave by notifying the employee's immediate supervisor, Section Head, or Division Director of the need for leave.
2. In emergency situations where the need to take leave was not foreseeable, the employee shall notify the supervisor as soon as possible and explain the circumstances to the immediate supervisor, Section Head, or Division Director.
3. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
4. Employees shall submit a leave of absence form to the immediate supervisor to record the Public Health Emergency leave through the City's payroll procedures. The form should indicate the name and relation of the Family Member, if applicable.
5. The immediate supervisor, Section Head, Division Director, or Human Resources Director may require the employee to provide reasonable documentation of the Public Health Emergency where the employee uses Earned Paid Sick Time of three or more consecutive workdays. However,

the City may not require disclosure of details as a condition of providing Earned Paid Sick Time.

6. Any health information in City possession shall be kept confidential and shall not be disclosed to anyone except to the affected employee, or except with written permission of the affected employee.

Link(s): Arizona Revised Statute Section [23-373](#)  
Arizona Revised Statute Section [23-377](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2017-12, Amended, 07/01/17)

#### **1-50-034. PERSONAL LEAVE**

Benefit Eligible Employees are eligible to use Earned Paid Sick Time for personal leave when work time is missed due to personal reasons.

##### **A. ELIGIBILITY**

1. Benefit Eligible Employees may use up to two (2) Working Days of accrued Earned Paid Sick Time per calendar year for matters of personal business.
2. Personal Leave is accrued on a pro-rated basis for Part-Time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
3. Employees may use personal leave in fifteen (15) minute increments.

##### **B. PROCEDURES**

1. Employees may request personal leave by notifying the employee's immediate supervisor one hour prior to the beginning of their scheduled work shift.
2. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
3. An employee shall submit a leave of absence form to the immediate supervisor to record their leave through the City's payroll procedures
4. Personal leave cannot be accumulated or carried over into another calendar year.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may take personal leave after submitting a notice of resignation with the approval of the immediate supervisor, but must work the last day of the notice period.
2. Personal leave is part of an employee's Earned Paid Sick Time and paid out in accordance with Section 1-50-029.D.2. *Earned Paid Sick Time Effects of Termination of Employment.*

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2017-12, Amended, 07/01/17)

**1-50-039. PURCHASE DAY PROGRAM**

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

A. DEFINITIONS

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

B. ELIGIBILITY

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

C. PROCEDURE

1. Employees must submit a request to participate during the annual open enrollment period in order to be eligible to participate the following fiscal year. Employees must re-elect each fiscal year to participate in the purchase day program.
2. The Benefit Eligible Employee may request to participate in the purchase day program by submitting a Purchase Day Program Request form to the employee's immediate supervisor, Section Head, Division Director, Deputy City Manager, Human Resources Director or designee and City Manager or designee.

3. Human Resources will notify the employee of the final approval and the cost of the paid time off the employee wishes to purchase. The cost is based on the employee's current hourly rate of pay times the number of Purchase Days at the time of the request. The total purchase amount is then divided by twenty-four (24) pay periods over the fiscal year.
  - a. In the event the employee's salary or hourly rate changes during the fiscal year, the cost of the Purchase Days shall not be adjusted.
  - b. The cost may not jeopardize an employee's minimum wage earnings.
4. The deductions will be pre-tax from the employee's paycheck per Section 125 under the Internal Revenue Service code.
  - a. The pre-tax election may not be changed during the fiscal year.
  - b. The employee must use all accrued vacation leave prior to being eligible to use any Purchase Day(s).
  - c. When the Purchase Day (or approved increments) are used, the cost will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.
5. Purchase Days must be used within the fiscal year by June 30<sup>th</sup> or they will be forfeited.
6. Employees wishing to utilize Purchase Days must request and obtain approval in advance. The supervisor is responsible for authorizing and scheduling employee time off requests while balancing the work program, and may deny use of Purchase Days if not requested sufficient time in advance.
7. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's Purchase Day leave through the City's payroll procedures.
8. Purchase Days are paid at the employee's regular pay rate excluding any type of additional pay.

**D. EFFECTS OF TERMINATION OF EMPLOYMENT**

1. Employees who leave City service will receive a refund for any Purchase Days not used, which will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.



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

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

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2019-10, Amended 07/02/19)

#### **1-50-040. BEREAVEMENT LEAVE**

Benefit Eligible Employees are eligible for paid time off for bereavement leave in the event of the death of a Family Member.

##### **A. ELIGIBILITY**

1. Benefit Eligible Employees will receive up to five (5) Working Days of paid bereavement leave for a Family Member's Death, subject to City operational needs as determined by the immediate supervisor.
2. Bereavement leave will be pro-rated for Part-Time Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
3. Non-Tenured and Temporary Employees may receive up to five (5) Working Days of unpaid time off for bereavement.
4. Earned Paid Sick Time may not be used for Bereavement Leave.

##### **B. PROCEDURES**

- A. If an employee wishes to take time off due to the death of a Family Member, the employee should notify his or her supervisor immediately.
- B. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's bereavement leave through the City's payroll procedures. The form should indicate the name and relation of the Family Member.

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2009-12, Amended, 05/19/09); (Ord. No. 2017-12, Amended, 07/01/17)

## **1-50-050. FAMILY MEDICAL LEAVE**

The Family and Medical Leave Act of 1993 (FMLA) as amended provides eligible employees with up to 12 work weeks of job protected unpaid leave in a single twelve (12) month period for the birth or adoption of a child; care of a child, spouse, or parent who has a serious medical condition; or the employee's own serious health condition; or to take care of military related "qualifying exigencies" of a family member. A covered employer is required to maintain group health insurance coverage, including family coverage if premiums are paid, for an employee on Family and Medical Leave on the same terms as if the employee continued working.

The FMLA also provides eligible employees with up to twenty-six (26) workweeks of job protected unpaid leave in a single 12-month period, to care for a Covered Active Duty or Covered Service Member of the Armed Forces or Covered Veteran with a serious injury or illness. An employer is not required to provide more than twenty-six (26) workweeks unpaid job protected leave within a 12-month period, regardless of the type of FMLA leave taken.

### **A. DEFINITIONS**

1. "Covered Active Duty" means duty during deployment of the Armed Forces, National Guard or Reserves member to a foreign country, including deployment to international waters.
2. "Covered Service Member" is a current member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness.
3. "Covered Veteran" is a veteran of the Armed Forces (including a member of the National Guard or Reserves) who is discharged within the five (5) year period before the family member first takes Military Caregiver Leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying Serious Injury or Illness. A veteran who was dishonorably discharged is not a Covered Service Member.
4. "FMLA Eligible Employee" means an employee who meets all of the following conditions:

- a. An employee who has worked for the City for at least twelve (12) months, which need not be consecutive; and
  - b. Has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months prior to the start of FMLA leave. Regular and overtime hours are counted as hours worked; however, any type of paid or unpaid leave hours are excluded.
5. “Health Care Provider” is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services, or any health care provider who is accepted by the City’s group health plan including clinical social workers.
  6. “Key Employee” is defined as a salaried, FMLA Eligible Employee who is among the highest paid ten (10) percent of all the employees working for the employer within seventy-five (75) miles of the employee’s worksite.
  7. “Military Caregiver Leave” means FMLA leave taken to care for a Covered Service Member or Covered Veteran with a Serious Illness or Injury.
  8. “Next of Kin of a Covered Veteran” is the nearest blood relative, other than the veteran’s spouse, Parent, Son or Daughter, designated in writing by the veteran or in the order of priority set forth in FMLA regulations.
  9. “Parent” means a biological, adoptive step or foster father or mother, or any other individual who stood in Loco Parentis to the employee when the employee was a child. This term does not include parents “in law”.
  10. “Qualifying Exigency” is a need for an employee to take care of certain matters arising out of the fact that the employee’s spouse, Son or Daughter, or Parent is a Covered Service Member on Covered Active Duty (military deployment to a foreign country) and includes (1) short-notice deployment, (2) military events and related activities, (3) childcare and related activities, (4) care of the military member’s parent who is incapable of self-care, (5) financial and legal arrangements, (6) counseling, (7) up to fifteen (15) days rest and recuperation, (8) post-deployment activities, (9) additional activities not encompassed in the other categories, but agreed to by the employer and employee.
  11. “Qualifying Exigency Leave” means leave taken by a FMLA Eligible Employee as a result of a Qualifying Exigency.

12. “Qualifying Reasons” are:
  - a. For the birth of a Son or Daughter and to care for a newborn child within one year of birth;
  - b. For the placement with the employee of a child for adoption or foster care, and to bond with the newly placed child within one (1) year of placement;
  - c. To care for the employee’s spouse, Son or Daughter, or Parent, but not a “parent-in-law, and in addition Domestic Partner per City policy who has a Serious Health Condition;
  - d. When the employee is unable to work because of a Serious Health Condition that prohibits the employee from performing any of the essential functions of the job; or
  - e. Any Qualifying Exigency arising out of the fact that the employee’s spouse, Son or Daughter, or Parent is a Covered Service Member on Covered Active Duty.
  
13. “Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves either:
  - a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
  - b. Continuing treatment by a health care provider, which includes a period of incapacity lasting more than fourteen (14) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - i. Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits) the first within seven (7) days and both within thirty (30) days of the first day of incapacity; or
    - ii. Treatment by a health care provider (i.e., an in-person visit) within seven (7) days of the first day of incapacity with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or

- ii. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
- iii. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- iv. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- v. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days it not treated.

14. “Serious Injury or Illness” is:

- i. One that was incurred by a Covered Service Member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating; or
- ii. One that was incurred by a Covered Veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran’s active duty and was aggravated by service in the line of duty on active duty, regardless of when such injury or illness became manifested, and that is either:
- iii. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank or rating; or
- iv. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
- v. A physical or mental condition that substantially impairs the veteran’s ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or

- vi. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 15. "Son or Daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. Incapable of self-care because of mental or physical disability requires active assistance or supervision to provide daily self-care in three or more activities of daily living or instrumental activities of daily living.
- 16. "Twelve Month Period" is defined as a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

## B. ELIGIBILITY

- 1. A FMLA Eligible Employee may take unpaid, job-protected leave for any Qualifying Reason, for up to twelve (12) workweeks within a 12-month period.
- 2. A FMLA Eligible Employee who is the spouse, Domestic Partner, Son or Daughter, Parent, or Next of Kin of a Covered Veteran with a Serious Injury or Illness may take unpaid, job-protected leave, for up to twenty-six (26) workweeks within a 12-month period to provide care for the veteran.
- 3. A FMLA Eligible Employee who is the spouse, Domestic Partner, Son or Daughter, Parent, or Next of Kin of a Covered Service Member with a Serious Injury or Illness may take unpaid, job-protected leave for up to twenty-six (26) weeks within a 12-month period to care for the Covered Service Member.
- 4. A FMLA Eligible Employee is limited to a combined twenty-six (26) weeks of unpaid, job-protected leave in any 12-month period, regardless of whether leave is taken for a Qualifying Reason or as Military Caregiver Leave.
- 5. FMLA leave may be taken intermittently or on a Reduced Schedule. When FMLA leave is taken intermittently or on a Reduced Schedule, only the amount of leave actually taken will be counted against an employee's FMLA leave entitlement.
- 6. Spouses or Domestic Partners both employed by the City may be limited to a combined total of twelve (12) workweeks of FMLA for the following reasons:
  - a. For the birth and care of a child;

- b. For the placement of a child for adoption or foster care, and to care for a newly placed child; or
  - c. To care for an employee's parent who has a Serious Health Condition.
7. A Parent is entitled to take FMLA leave to care for a Son or Daughter eighteen (18) years of age or older, if the adult Son or Daughter:
    - a. Has a disability as defined by the Americans with Disabilities Act;
    - b. Is incapable of self-care due to that disability;
    - c. Has a Serious Health Condition; or
    - d. Is in need of care due to the Serious Health Condition.
  8. FMLA leave may be taken in fifteen (15) minute increments.
  9. Under FMLA a Key Employee may be exempt from reinstatement to their current or equivalent position. For determination contact the Human Resources Director or designee.
  10. FMLA Eligible employees may use any accrued leave during FMLA leave instead of taking unpaid leave. Donated leave may be requested during FMLA leave per Section 1-50-100 when all accrued leave has been exhausted. Sick Industrial and Workers' Compensation may be substituted for paid leave when applicable per Article 1-80.
  11. Employees who are not eligible for FMLA leave or who have exhausted FMLA may be eligible for a *Leave of Absence* per Section 1-50-080 or a *Leave Without Pay* per Section 1-50-081.

#### C. PROCEDURE

1. When a FMLA Eligible Employee knows in advance that he or she will be off work for more than fourteen (14) calendar days for a Qualifying Reason or for Military Care Giver Leave, a Family and Medical Leave Request Form, including the appropriate certification, must be submitted to Human Resources within thirty (30) calendar days prior to the event.
2. When FMLA leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

3. When leave is needed for birth and care, or placement for adoption or foster care, use of Intermittent leave is subject to the immediate supervisor's approval.
4. When the need to take FMLA leave is not foreseeable, the employee must provide at minimum (1) one Working Day of verbal notice to the immediate supervisor, followed by submission of a Family and Medical Leave Request Form within three (3) Working Days. However, the employee has fifteen (15) calendar days to provide the appropriate certification.
5. All FMLA requests shall be supported by the appropriate documentation.
  - a. All FMLA requests, other than a Qualifying Exigency Leave and Military Caregiver Leave, must be supported by medical certification from a Health Care Provider or a state or federal child placement agency.
  - b. Qualifying Exigency Leave requests must be supported by a copy of the Covered Service Member's active duty orders and certification providing the appropriate facts related to the particular Qualifying Exigency for which leave is sought, including contact information if the leave involves meeting with a third party.
  - c. Military Caregiver Leave requests must be supported by a certification completed by an authorized Health Care Provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the Covered Service Member's or Covered Veteran's family.
  - d. All certifications will be authenticated or clarified by Human Resources, not the employee's immediate supervisor, and used to determine if the request for absence is supported.
  - e. Human Resources may contact the individual or entity named in a certification for purposes of verifying the statement provided. In cases when the City has reason to doubt the statement provided by a Health Care Provider, the City may require at their own expense a second opinion from a physician designated or approved by the City.
6. Human Resources will designate leave as FMLA qualifying within five (5) days of receiving the Family and Medical Leave Request Form and appropriate documentation.
7. Human Resources will notify the supervisor of the FMLA leave and request a Personnel Action Form (PAF) is completed.



8. An employee shall submit a leave of absence form to the immediate supervisor to record paid leave through the City's payroll procedures.
9. Paid time off, sick industrial and or workers compensation benefits, and short-term disability will run concurrently with FMLA leave.

#### D. RETURN TO WORK

1. Employees must communicate with Human Resources and the employee's immediate supervisor regarding the employee's intent to return to work before returning to work. An employee will return to the employee's former position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
2. If the FMLA leave was for an employee's own health condition, a full release statement from a physician, certifying that the employee can perform all the essential functions of the position with or without a reasonable accommodation, shall be submitted to Human Resources prior to returning to work. An employee may not return to work without providing the appropriate documentation.
3. Human Resources will notify the supervisor of the return from FMLA leave and request a Personnel Action Form (PAF) is completed.
4. If the employee's position is required to have a Fitness for Duty Exam completed before returning to work, Human Resources will schedule the exam upon receipt of the employee's release to work. The employee will not be scheduled to regular duty until they have successfully passed all fitness for duty exams as required for their position. The examination will relate to the employee's ability to perform the essential functions of the employee's job.

#### E. EFFECTS OF LEAVE ON BENEFITS

1. The City shall maintain group benefit coverage for the duration of the FMLA leave at the level and under the conditions coverage would have been provided if the Benefit Eligible Employee had been employed continuously for the duration of the FMLA leave.
2. The City shall maintain coverage of the group life insurance for the duration of the FMLA leave, unless the group plan is terminated by the City.
3. The Benefit Eligible Employee may elect to continue dependent health and or basic life insurance coverage. The Benefit Eligible Employee will be required to pay the employee's portion of the premium, regardless if the employee is on paid or unpaid leave. If the Benefit Eligible Employee

elects to discontinue the dependent health or basic life insurance coverage while on FMLA, dependents may be re-enrolled upon the employee's return to work. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to work to elect dependent coverage. The coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted. Employees may also have the option to convert the basic life insurance coverage while on FMLA leave by completing the appropriate paperwork.

4. A Benefit Eligible Employee who has voluntary life insurance and or short-term disability may elect to continue the coverage while on FMLA leave. The Benefit Eligible Employee will be required to pay the employee's premium, regardless if the employee is on paid or unpaid leave. If the Benefit Eligible Employee elects to discontinue the voluntary life insurance coverage while on FMLA leave, and the employee may reinstate the coverage upon returning to work. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to work to re-elect coverage. The coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted. Benefit Eligible Employees may also choose to port or convert the voluntary life coverage while on unpaid FMLA leave by completing the appropriate paperwork. Please note that portability is only available for a non-medical leave.
5. A Benefit Eligible Employee will not accrue any leave while on unpaid FMLA leave.
6. Retirement Service credits do not accrue during any period of unpaid FMLA leave but will commence upon the employee's return to work. An active member may obtain service credit for up to a one-year period when on an approved unpaid leave of absence from employment through the Arizona State Retirement System. The purchase is subject to the one-year limitation on the amount of service that may be accrued in a fiscal year.
7. Continuous Service dates for continuous service, accrual rates, seniority, and general pay adjustments will include FMLA leave (paid or unpaid) as creditable service, providing the employee returns to work on the first work day following the end of the authorized FMLA leave.

#### F. TERMINATION OF EMPLOYMENT

An employee will be considered to have voluntarily terminated employment if the employee:

1. Fails to return to work upon expiration of the period of leave to which the employee was entitled and has not requested an extended leave of absence or if the extended leave of absence is denied and the employee does not return to work.
2. Advises the City of the employee's intent not to return to work.
3. Refuses comparable reemployment to an equivalent job as defined by applicable law.

Link(s): [U.S. Department of Labor](#)  
[U.S. Department of Labor – FMLA Employee Guide](#)  
[U.S. Department of Labor – FMLA FAQs](#)  
[Arizona Revised Statute Section 38-739](#)  
[Arizona Revised Statute Section 38-849 C](#)

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

#### **1-50-051. PARENTAL LEAVE**

The purpose of paid Parental Leave is to provide parents with paid time off to recover from childbirth and/or to care for and bond with a newborn or Newly Placed Child.

##### **A. DEFINITIONS**

1. "Parental Leave" is a paid leave available for benefit eligible employees who have completed six months of employment to recover from childbirth and/or to care for and bond with a newborn or Newly Placed Child.
2. "Continuous Leave" is when an employee uses Parental Leave all at once without any interruption.
3. "Eligible Employee" is a Benefit Eligible Employee who has completed six (6) months of employment.
4. "Newly Placed Child" is a child placement due to adoption, appointed legal guardianship, or foster care.
5. "Event" is the date of the birth or adoption, newly appointed legal guardian, stillborn or live birth, or foster care placement.
6. "Stillbirth" is defined as a fetal death after twenty (20) weeks of gestation.

7. “Live Birth” is when the child is born alive and dies shortly thereafter.

**B. ELIBILITY**

1. An Eligible Employee may use up to one hundred and sixty (160) hours of Parental Leave.
  - a. Fire Suppression Employees may use up to two hundred and twenty-four (224) hours of Parental Leave.
  - b. Part-Time Employees earn Parental Leave on a pro-rated basis. For example, an Eligible Employee who works twenty (20) hours per week will be eligible for a maximum of eighty (80) hours of Parental Leave.
2. Parental Leave may be used in the following circumstances for Eligible Employees.
  - a. Birth or adoption of a child(ren).
  - b. A newly appointed legal guardian.
  - c. In cases of Stillbirth or Live Birth.
  - d. Placement of a foster child(ren) limited to once per year.
3. Parental Leave will begin on the date of the Event and may be used during the following twelve (12) months. Parental Leave may be used on a Continuous Leave, Intermittent Leave, or Reduced Scheduled leave during twelve (12) months.
  - a. Intermittent Leave or Reduced Scheduled Parental Leave requires approval by the immediate supervisor, Section Head, Division Director, Deputy City Manager and Human Resources Director or designee. The Eligible Employee should make a reasonable effort to schedule the beginning and ending times of Intermittent Leave or Reduced Scheduled Parental Leave to not unduly disrupt the City’s operations.

- b. When medically necessary or necessary to fulfill the legal requirements of an Event, Parental Leave may be taken by the Eligible Employee prior to the date of the Event.
4. Parental Leave is available once per Event for each Eligible Employee. The number of children involved does not increase the length or number of hours of Parental Leave granted for that Event.
5. Parental Leave will be paid at one hundred percent (100%) of the Eligible Employee's hourly rate of pay.
6. Eligible Employees may use Parental Leave in fifteen (15) minute increments.
7. Eligible Employees may combine Parental Leave with other types of accrued leave to maximize the length of paid leave and to supplement an unpaid Family Medical Leave for birth, adoption or foster care placement. Parental Leave does not have to be exhausted before the employee is eligible to use other types of accrued leave.
8. Eligible Employees will continue to accrue other types of leave while on paid status through Parental Leave.
9. Eligible Employees who have exhausted Parental Leave and all other appropriate types of accrued leave may be eligible for *Leave Without Pay* per section 1-50-081.
10. Eligible Employees may not donate Parental Leave not used pursuant to *Donated Leave* per section 1-50-100.

#### C. PROCEDURES

1. An Eligible Employee shall notify their immediate supervisor of the need for Parental Leave at least thirty (30) calendar days prior to the Event.
2. When the need for Parental Leave is not foreseeable, the Eligible Employee must provide a minimum of one (1) Working Day of verbal notice to the immediate supervisor. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.

3. All Parental Leave requests shall be supported by the appropriate documentation.
  - a. If the Eligible Employee is eligible for Family Medical Leave, the FMLA Leave Request Form, will govern.
  - b. If the Eligible Employee is not eligible for Family Medical Leave, the Eligible Employee shall submit a Parental Leave Request Form within three (3) Working Days from the date notice was provided to the immediate supervisor.
  - c. Parental Leave must be supported by a certification from a Health Care Provider or state or federal child placement agency, court order, or from the attorney in cases of private adoptions. The Eligible Employee has fifteen (15) calendar days to provide the appropriate certification.
  - d. All certifications will be authenticated or clarified by Human Resources, not the Eligible Employee's immediate supervisor, and used to determine if the request for absence is supported.
  - e. Human Resources may contact the individual or entity named in a certification for purposes of verifying the statement provided.
4. Human Resources will designate leave as Parental Leave within five (5) business days of receiving the FMLA Leave Request Form or Parental Leave Request Form and appropriate documentation.
5. Any health information in City possession shall be kept confidential and shall not be disclosed to anyone except to the affected employee, or except with written permission of the affected employee.
6. Human Resources will notify the immediate supervisor of the Parental Leave and request a Personnel Action Form (PAF) is completed.
7. An Eligible Employee shall submit a Leave of Absence Form to the immediate supervisor to record Parental Leave through the City's payroll procedures.
8. All Parental Leave shall be recorded through the City's payroll procedures using the P8 hours type code.

9. In the event one or more City Holidays fall within a period of Parental Leave, such holiday shall not be charged as Parental Leave, provided the Eligible Employee is in pay status the day before and day after the official City holiday. The unused Parental Leave hours shall be credited back to the Eligible Employee's accrual accordingly.
10. The City shall continue to pay the employer contribution of an Eligible Employee's group health insurance during Parental Leave. The Eligible Employee's contribution(s) will be deducted from the Eligible Employee's pay each pay period.

D. RETURN TO WORK

1. Eligible Employees must communicate with Human Resources and the Eligible Employee's immediate supervisor regarding the Eligible Employee's intent to return to work before returning to work.
2. An Eligible Employee will return to the Eligible Employee's former position or to an equivalent position with equivalent employment, benefits, pay and other terms and conditions of employment.
3. Human Resources will notify the immediate supervisor of the return from Parental Leave and request a Personnel Action Form (PAF) is completed.

E. EFFECTS OF TERMINATION OF EMPLOYMENT

- A. Eligible Employees may use Parental Leave after submitting a notice of resignation with approval from the immediate supervisor, except for the last day of the notice period.
- B. Eligible Employees who terminate employment will not be paid for any unused Parental Leave.

Form(s):

[Leave of Absence](#)

Parental Leave Request Form

[FMLA Request Form](#)

[Certification of Health Care Provider for Employee's Serious Health Condition](#)

[Certification of Health Care Provider for Family Member's Serious Health Condition](#)

(Ord. No. 2018-26, Amended 09/20/18)

## **1-50-060. MILITARY LEAVE**

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a leave of absence for military service, training or related obligations in accordance with applicable state and federal law. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position the employee held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and state law prohibit discrimination and retaliation based on a person's membership or service (voluntary or involuntary) in the uniformed services with regard to any aspect of employment.

In compliance with USERRA, employees and/or applicants for employment will not be discriminated against with respect to hiring, reemployment, retention, promotion, or any other benefit of employment because of past or present military service obligation, or future application for or membership in a uniformed service.

### **A. ELIGIBILITY**

1. All Non-Exempt and Exempt employees are eligible for an unpaid leave of absence to perform military service under the provisions of USERRA.
2. Some temporary employees may be eligible for such leave if the military service falls within a previously designated period of employment.

### **B. PROCEDURE**

1. An employee shall provide notice to the employee's immediate supervisor as soon as possible after receiving military orders unless precluded by military necessity. If feasible, this notice should be in writing and accompanied by any military orders that the employee has received.
2. An employee may use accrued leave except sick and dependent sick and/or any portion of the paid Military Training Leave per Section 1-50-061 during military leave or may take leave without pay.
3. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's military leave through the City's payroll procedures.
4. The supervisor shall submit a Personnel Action Form (PAF) for the beginning and ending of the military leave.



## C. RETURN TO WORK

1. Employees entering military duty shall be permitted to return to employment with all seniority, service credits, status, benefits, and pay the employee would have enjoyed had the employee not been absent, subject to the following conditions:
  - a. The employee must be absent from his or her employment position due to service in the uniformed services as defined by USERRA.
  - b. The employee must provide advance notice of the service to the City. The employee should make every effort to give notice of impending military service as far in advance as reasonable under the following circumstances:
    - i. The notice may be provided by the employee or an appropriate officer from the employee's branch of service.
    - ii. The notice may be verbal or in writing.
  - c. The employee on military leave retains for up to five (5) years his or her right to reemployment to the position he or she would have attained by remaining continuously employed.
  - d. The employee must return to work or apply for reemployment in a timely manner after conclusion of service, as defined below:
    - i. For military leave of absence of less than thirty-one (31) days, the employee must return to work on the next regular business day after discharge, his or her safe transportation home and a break of at least eight (8) hours;
    - ii. If the period of unpaid leave is greater than thirty (30) days but less than one hundred and eighty (180) days, the employee must provide written notification of his or her availability to return to work within fourteen (14) days after discharge; and
    - iii. If unpaid leave is greater than one hundred and eighty (180) days, the employee has ninety (90) days after discharge to provide written notification of his or her intention to return to work.
    - iv. Employees who are hospitalized or recovering from injuries caused by active duty may have up to two (2) years to return to work, as prescribed under applicable provisions of USERRA.

- e. The employee must have been separated from service with an honorable discharge.
2. An employee who does not comply with the return to work requirements may forfeit his or her reemployment rights pursuant to federal law and the City's established policies and procedures on returning from a leave of absence.
  3. Upon release from military service, the employee will be returned to City employment as follows:
    - a. To his or her former position. If the employee's job is of such a nature that it must be permanently filled, the City will attempt to return the employee to a comparable position, with all the rights and benefits the employee enjoyed before leave was taken. If no such position is available upon return, the City will offer the employee the first comparable position that becomes available. In the event the employee does not qualify for a comparable position, the City will provide reasonable efforts to qualify the individual.
    - b. The City will make reasonable efforts to accommodate person with a disability incurred or aggravated during military service.
      1. If, despite reasonable accommodation efforts, the person is not qualified for the position due to his or her disability, the person must be employed in a vacant position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position or could become qualified to perform them with reasonable efforts by the City.
      2. If the person does not become qualified for the position, the City will reemploy the person in another vacant position he or she is qualified to perform and which is the "nearest approximation" of the position to which the person is otherwise entitled, in terms of status and pay, with full seniority.
  4. If an employee was eligible to take a promotional exam and missed it while performing military service, the City will provide the employee with an opportunity to take the missed promotional exam after a reasonable amount of time to adjust to reemployment. The following factors will be taken into account when determining what a reasonable amount of time is:
    - a. The length of time the returning employee was absent from work.
    - b. The level of difficulty of the promotional exam.

- c. The typical time necessary to prepare or study for the exam.
- d. The duties and responsibilities of the reemployment position and the promotional position.
- e. The nature and responsibilities of the service member while serving in the uniformed service.

D. EFFECTS OF LEAVE ON BENEFITS

1. Employees on military leave may elect to continue group benefit coverage for the employee and the employee's dependent's up to twenty-four (24) months of unpaid leave per USERRA, even if the employee is participating in the military health benefits coverage. The City's health plan must be the primary insurer when such dual coverage exists.
  - a. If unpaid military leave is less than thirty-one (31) days, the employee will pay the same share for coverage as any active employee.
  - b. If unpaid military leave exceeds thirty (30) days, the employee will be offered COBRA and must pay the entire cost of coverage plus a two (2) percent administrative fee. This extended coverage may be terminated if the employee does not make timely payments or does not return to work after military service.
  - c. The employee may choose to port or convert life insurance coverage while on unpaid military leave by completing the appropriate paperwork.
2. Employees who elect to discontinue group benefit and/or voluntary coverage while on military leave may reinstate the coverage upon returning to work. The employee must complete the re-enrollment form(s) within thirty-one (31) days of returning to work to re-elect coverage.
3. The City will reinstate the employee's group benefit coverage immediately with no waiting periods and no conditions.
4. As mandated by ARS Section 38-745, if an employee is an active member of the Arizona State Retirement System (ASRS) and is a member of the Arizona National Guard, or is a member of the reserves of the United States military and volunteers or is ordered into active military services as part of a military call-up is eligible to received ASRS credited service time while on active duty. The same will apply to those employees participating in the PSPRS.

- a. The employee must be honorably separated from active duty and return to the City within ninety (90) days of either discharge from active duty or release from service-related hospitalization, or have died as a result of active military service.
- b. The employee can receive a maximum of sixty (60) months of ASRS and PSPRS credited service. The City will pay both the employee and the City's contributions in a lump sum upon return to work or receipt of death certificate. These contributions are based on the salary the member would have accrued if the member had not volunteered or been ordered into active service.
- c. Should the employee serve more than sixty (60) months in the military call-up, the employee may purchase any of the months over the maximum of sixty (60) months by utilizing the standard procedure for purchasing active military service.
- d. The employee must provide a DD-214 or its equivalent to the City. If the employee died as a result of active duty, a death certificate must be provided.

Link(s): [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#)

[Arizona Revised Statute Section 26-167](#)

[Arizona Revised Statute Section 26-168](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended 05/07/13); (Ord. No. 2007-39, Amended 08/07/07)

#### **1-50-061. MILITARY TRAINING LEAVE**

Employees shall be granted a paid military leave for training duty or to attend camps, maneuvers, formations or drills under orders with any branch or reserve of the armed forces of the United States.

##### **A. DEFINITIONS**

1. "Year" means the fiscal year of the United States government (i.e. October 1<sup>st</sup> through September 30<sup>th</sup>).
2. "Paid Military Leave" is paid leave entitling the employee to receive his or her regular rate of compensation.

**B. ELIGIBILITY**

1. All Non-Exempt and Exempt employees are eligible for military training leave.
2. Some temporary employees may be eligible for such leave if the military service falls within a previously designated period of employment.
3. Employees shall be granted a Paid Military Leave for training for a period not to exceed thirty (30) working days in any two consecutive years in accordance with the provisions of ARS Section 38-610.
4. Paid Military Leave will be pro-rated for Part-Time Benefit Eligible Employees by dividing the number of hours worked per week by five (5) and rounding to the next whole number.
5. Employees may use Paid Military Leave in fifteen (15) minute increments.

**C. PROCEDURES**

1. All employees eligible for paid military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave shall be taken.
2. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's military training leave through the City's payroll procedures.
3. Valid evidence of orders must be submitted to the employee's supervisor along with a leave of absence form.
4. The supervisor shall submit a Personnel Action Form for the beginning and ending of the military training leave.

Link(s): [Arizona Revised Statute Section 38-610](#)

Form(s): [Leave of Absence Request Form](#)

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

**1-50-070. JURY DUTY LEAVE**

Benefit Eligible Employees are eligible to receive paid time off for jury duty leave.

**A. ELIGIBILITY**

1. Benefit Eligible Employees summoned to jury duty shall be paid the employee's regular hourly wage or salary provided the employee submits

his or her jury fees to the City of Flagstaff.

- a. Jury fees shall be equal to the total amount of the check received from the Court minus pay received for travel and related child care expenses incurred due to jury duty.
  - b. Jury fees shall be submitted to Payroll via personal check.
2. Jury duty leave does not apply when the employee is a party in the court case or such court appearance is in connection with the employee's personal matters (i.e. traffic court, divorce proceedings, etc.).
  3. Employees may use other appropriate types of accrued leave such as vacation leave, personal leave, floating holiday leave or compensatory time to respond to personal matters.
  4. Employees may use jury duty leave in fifteen (15) minute increments.

#### B. PROCEDURE

1. Employees must inform their immediate supervisor if selected for jury duty or subpoenaed to appear in court by the United States, the State of Arizona, a County, or a Municipality. The employee must immediately present a copy of the official notice, summons, or subpoena to the employee's immediate supervisor.
2. An employee shall submit a leave of absence form to the employee's immediate supervisor to record the jury duty leave through the City's payroll procedures.
3. Employees are to report to work any day the Court is not in session, when the jury duty or summons period has ended or when excused by the Court.
4. Either the City of Flagstaff or the employee may request an excuse or postponement from jury duty, if in the City's judgment the employee's absence would create serious operational difficulties.
5. Jury duty and subpoena leave hours are not counted as hours worked for the purpose of calculating eligibility for overtime pay for Non-Exempt employees.

Link(s): [Arizona Revised Statute Section 21-236](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2007-39, Amended, 08/07/07)

**1-50-072. VOTING DAY LEAVE**

Benefit Eligible Employees are eligible to receive paid time off for voting day leave.

**A. DEFINITIONS**

“Voting Day Leave” is paid leave entitling the employee to receive his or her regular rate of compensation.

**B. ELIGIBILITY**

1. Pursuant to Arizona Revised Statute Section 16-402, during primary or general state of Arizona elections, shall be granted leave to vote at the beginning or end of the work shift, if there are less than three (3) consecutive hours between the opening of the polls and the beginning of the employee’s regular work shift or less than three (3) consecutive hours between the end of the employee’s shift and the closing of the polls. The amount of leave granted shall be equal to three (3) hours minus the time difference between work hours and the opening or closing of the polls.
2. Voting day leave hours are not counted as hours worked for the purposes of calculating overtime pay for Non-Exempt employee.

**C. PROCEDURES**

- a. Employees must notify their immediate supervisor prior to the day of election, and the supervisor may specify the hours during which the employee may be absent for the purpose of voting.
- b. An employee shall submit a leave of absence form to the immediate supervisor to record voting day leave through the City’s payroll procedures.

Link(s): [Arizona Revised Statute Section 16-402](#)

Form(s): [Leave of Absence Request Form](#)

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

**1-50-080. PAID LEAVE OF ABSENCE**

Benefit Eligible Employees are eligible to use appropriate accrued leave for a paid leave of absence.

**A. ELIGIBILITY**

1. Benefit Eligible Employees may request a paid leave of absence when the employee is not eligible for FMLA leave, has exhausted FMLA leave or

for medical, educational or personal reasons as described in the Leave Without Pay policy Section 1-50-081.

2. Benefit Eligible Employees may only use sick and dependent sick accrued leave for a paid leave of absence request for medical leave or in lieu of FMLA leave. All other accrued leave types may be used for any type of paid leave of absence.
3. Employees may request a paid leave of absence intermittently or on a Reduced Schedule. The employee should make a reasonable effort to schedule leave during times that will not unduly disrupt the employer's operations.
4. Employees may use approved leave in fifteen (15) minute increments.

#### B. PROCEDURES

1. Employees may request a leave of absence by submitting a Leave of Absence Request Form to the employee's immediate supervisor, Section Head, Division Director, Deputy City Manager and the Human Resources Director or designee including the type of leave being requested, the beginning and ending dates of the leave period and the type of accrued leave the employee would like to use.
2. Human Resources will notify the supervisor of the paid leave of absence and request a Personnel Action Form (PAF) is completed at the beginning of the leave period.
2. While on a leave of absence, employees must use all appropriate accrued leave during the employee's absence.
3. Employees on paid leave of absence for medical leave or in lieu of FMLA leave may submit a donated leave request per Section 1-50-100 or leave without pay request per Section 1-50-081 after they have exhausted all of his or her accrued leave.
4. The immediate supervisor shall submit a Personnel Action Form (PAF) at the end of the leave period to return the employee back to active duty.

#### C. EFFECTS OF TERMINATION OF EMPLOYMENT

Employees may take accrued leave after submitting a notice of resignation, but must work the last day of the notice period.

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended, 05/07/13); (Ord. No. 2007-39, Amended, 08/07/07)



## **1-50-081. LEAVE WITHOUT PAY**

Benefit Eligible Employees are eligible for a leave without pay once all appropriate accrued leave including donated leave and Parental Leave has been exhausted.

### **A. ELIGIBILITY**

1. Benefit Eligible Employees who have exhausted all accrued leave including donated leave and Parental Leave may request a leave without pay for medical, educational, or personal reasons as described below.
2. The Division Director may approve a leave without pay for up to two (2) weeks per calendar year.
3. The Deputy City Manager may approve a leave without pay for a maximum of twelve (12) months.
4. Benefit Eligible Employees may request Intermittent Leave or Reduced Scheduled leave. The Benefit Eligible Employee should make a reasonable effort to schedule the beginning and ending times of Intermittent Leave or Reduced Scheduled leave without pay to not unduly disrupt the City's operations.

### **B. PROCEDURES**

1. Medical Leave
  - a. Employees may request medical leave without pay if they are not eligible for *Family Medical Leave* per section 1-50-050, or if the employee has exhausted Family Medical leave or all accrued leave has been used.
  - b. The employee may request a medical leave without pay by submitting a Leave of Absence Request Form and a written request from the employee's treating physician to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee prior to the effective date of the leave.
  - c. Human Resources may contact the individual or entity named in the treating physician written request for purposes of verifying the statement provided. In cases when the City has reason to doubt the statement provided by the treating physician the City may require at the City's expense a second opinion from a physician designated or approved by the City.
2. Educational Leave

- a. Employees must provide a written request that includes the period of leave being requested, course or courses to be taken, and the benefit the employee will receive in relation to his or her current position.
  - b. The employee may request an educational leave without pay by submitting a Leave of Absence Request Form and the written request to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee prior to the effective date of the leave.
3. Personal Leave
- a. Employees must provide a written request that includes the period of leave being requested and the reason for personal leave without pay.
  - b. The employee may request a personal leave without pay by submitting a Leave of Absence Form and the written request to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee, prior to the effective date of the leave.
4. Upon approval of a leave without pay, Human Resources will request a Personnel Action Form (PAF) is completed at the beginning and at the end of the leave without pay.
5. The employee's evaluation date will be extended by the number of Working Days equal to the period of the leave taken. Employees who have taken leave without pay on an intermittent or Reduced Schedule the extension will be based on the number of hours.
6. Employees returning to work from approved leave without pay shall be returned to the same or equivalent position held prior to taking the leave without pay. Under leave without pay a Key Employee may be exempt from reinstatement to their current or equivalent position. For determination contact the Human Resources Director or designee.

C. EFFECTS OF LEAVE ON BENEFITS

- 1. Employees on leave without pay shall receive no compensation and will not earn accrued leave.
- 2. Benefit Eligible Employees will lose group benefit coverage the last day of the month after the start of the leave without pay per Section 1-70-010. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to work to elect coverage. The

coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted.

3. State Retirement service credits do not accrue during any period of leave without pay but will commence upon the employee's return to work. An active member may obtain service credit for up to a one (1) year period when on an approved unpaid leave of absence from employment through the Arizona State Retirement System or the Public Safety Retirement System. The purchase is subject to the one-year limitation on the amount of service that may be accrued in a fiscal year.

#### D. TERMINATION OF EMPLOYMENT

An employee will be considered to have voluntarily terminated employment if the employee:

1. Fails to return to work upon expiration of the period of leave to which the employee was entitled and has not requested an extended leave or if the extended leave is denied and the employee does not return to work.
2. Advises the City of his or her intention not to return to work.
3. Refuses comparable reemployment to an equivalent position.

Link(s): [Arizona Revised Statute Section 38-739](#)

[Arizona Revised Statute Section 38-849 C](#)

Form(s): [Leave of Absence Request Form](#)

(Ord. No. 2013-09, Amended 05/07/13); (Ord. No. 2007-39, Amended 08/07/07); (Ord. No. 2018-26, Amended 09/20/18)

#### **1-50-090. UNAUTHORIZED LEAVE WITHOUT PAY**

Any unauthorized absence for one (1) day or an assigned shift by an employee shall be deemed to be absent without pay and abandonment of his or her position. Employees who abandon their job in this manner shall be automatically deemed to have resigned.

Under extenuating circumstances, the appropriate Division Director may rescind the assumed resignation and grant leave without pay.

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

#### **1-50-100. DONATED LEAVE**

Benefit Eligible employees may donate leave to other requesting employees for any reason.

## A. ELIGIBILITY

1. Benefit Eligible Employee may donate leave to a requesting employee that meets certain requirements:
  1. The employee requesting donated time must be benefit eligible and been employed for at least six (6) months.
  - b. The employee requesting donated leave must have exhausted all appropriate leaves.
2. All donated leave will be transferred to the receiving employee as paid time off at the receiving employee's regular rate of pay.
3. Employees may use donated time in the following increments:
  - a. If the employee is able to return to work on a reduced schedule, the employee may use donated time in one (1) hour increments in order to remain benefit eligible (e.g. twenty hours per week) or maintain the employee's bi-weekly pay. Any accrued leave will be used prior to the employee using donated leave.
  - b. If the employee is unable to return to work, the employee may use donated time in hour increments in order to remain benefit eligible (e.g. twenty hours per week) or maintain the employee's bi-weekly pay.
4. Employees may request donated leave on more than one occasion for the same situation.

## B. PROCEDURES

1. Employees may request donated leave by submitting a Donated Leave Request Form to the immediate supervisor, Section Head, Division Director, Deputy City Manager, Human Resources Director or designee. The employee may specify if the leave is for medical or non-medical reasons, in which case such information will be provided to other employees. The employee also may not specify the reason for requesting leave.
2. Donated time will come from the employees' accrued vacation balances or holiday compensatory time, on a voluntary anonymous basis. Employees may not donate their accrued Earned Paid Sick Time or unused Parental Leave.
3. Donated time will be used on an hour-for-hour basis, not an hourly rate.

4. When multiple contributions are made, the hours will be given to the requesting employee in order of receipt of the donation forms.
5. Unused donated time will be returned to the donor's leave accruals.

Form(s): [Donated Leave Request Form](#)  
[Leave Donation Form](#)  
[Donated Leave Requests](#)

(Ord. No. 2013-09, Amended 05/07/13); (Ord. No. 2009-12, Amended 05/19/09); (Ord. No. 2007-39, Amended 08/07/07); (Ord. No. 2017-12, Amended 07/01/17); (Ord. No. 2018-26, Amended 09/20/18)

## **1-50-200. INCLEMENT WEATHER**

The City shall provide municipal services to the maximum extent possible. Under severe inclement weather, the City Manager or designee may suspend City operations when the concern for the safety of employees overrides the value of continued work.

### **A. ELIGIBILITY**

1. Emergency City operations may not be suspended and employees will continue to full-fill his or her assigned shift.
2. Non-emergency City operations may be suspended and the City Manager may authorize employees to arrive later than the beginning of or leave earlier than the end of his or her assigned shift.

### **B. PROCEDURES**

1. The City Manager will notify employees of closure by the emergency telephone number, City website and/or City email.
2. When City operations are suspended the employee may choose to make up the hours in the current workweek or use accrued leave.
3. Upon approval of the employees' immediate supervisor an employee may be allowed to stay at work or offer to work in snow operations. Employees can contact Public Works Administration in order to work in snow operations.
4. Employees who report to work late or leave early on a day the City Manager does not suspend operations shall make up the hours in the current workweek or use accrued leave.
5. Employees who wish to use accrued leave will submit a Leave of Absence Request Form to the employee's immediate supervisor to record their

leave through the City's payroll procedures.

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

## **ARTICLE 1-60. EMPLOYEE RESPONSIBILITIES AND LIMITATIONS**

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

- A. Article 4, Section 1D of the Flagstaff City Charter requires that the City Manager, City Attorney, Magistrate(s), City Clerk, Treasurer, and all heads of departments shall be residents of the City during their tenure of office. Heads of departments includes those employees serving as Deputy City Manager.
- B. All Emergency Service Employees shall maintain their principal residence within the state boundaries of Arizona.
- C. All Emergency Service Employees, except those holding a position in Fire, will arrive at the assigned or emergency work location within one (1) hour from notification to report to duty.
- F. Employees who are designated to take home a City vehicle per section 1-60-015 *Use of City Vehicles* must live within a 12-mile radius from City Hall. In addition to the 12-mile radius from City Hall an employee may reside with the following additions:
  - 1. From the I-17 and I-40 interchange eastbound for thirty-five (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor;
  - 2. From the I-17 and I-40 interchange westbound for thirty-five (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor;
  - 3. From the I-17 and I-40 interchange southbound for thirty (35) miles with a five (5) mile wide (two and half (2.5) miles on each side) corridor; or
  - 4. Or Ten (10) miles from City Hall along Highway 180 North with a five (5) mile wide corridor (two and half (2.5) miles on each side).

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

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

### **1-60-015. USE OF CITY VEHICLES**

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

A. ELIGIBILITY

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

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

B. AUTHORIZED USE

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

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

- d. Or ten (10) miles from City Hall along Highway 180 North with a five (5) mile wide corridor (two and half (2.5) miles on each side).

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

- 2. The Fleet Manager will approve the type of vehicle to insure it is appropriate for the designated use by the employee.
- 3. Employees must complete a Vehicle Use Authorization Form, approved by the immediate Supervisor, Section Head, Division Director, Deputy City Manager, Fleet Manager and City Manager.
- 4. City vehicles can only be operated by authorized City personnel or personnel approved through an IGA.
- 5. Personal use for commuting to and from work will be valued at \$1.50 for each one-way commute. If more than one employee commutes in the vehicle, the \$1.50 each-way rule applies to each employee. The commuting rule does not apply to qualified non-personal use vehicles such as:
  - a. clearly marked police and fire vehicles;
  - b. unmarked vehicles used by law enforcement officers if the use is officially authorized;
  - c. truck with permanent interior construction, shelves and racks designed to carry tools, equipment, etc.; or
  - d. truck with a hydraulic lift gate, permanent tanks or drums, permanent sideboards or panels that materially raise the sides of the truck bed, or other heavy equipment (electric generator, welder, boom, or crane).
- 6. City owned vehicles are not to be used to transport anyone other than City employees or people working with or for the City in an official capacity. Employees who are using the City owned vehicle outside of their scope of employment may not be covered by the City's auto liability insurance and will not be covered by the City's worker's compensation insurance. The only time an employee is covered under the City's worker's compensation insurance policy is when acting in the course and scope of their employment. Employee's personal use of City vehicles is restricted to driving to and from work, except for infrequent, de minimus (one day per month) or emergency occurrences. Employees responding to emergency



incidents must let any non-City personnel out of the vehicle prior to responding to a work-related emergency. The non-City personnel must then make other transportation arrangements.

7. The City's liability insurance may not cover or defend an employee when liability arises out of the personal use of a City vehicle. In conjunction with this, the employee's personal auto insurance may also not cover any liability arising out of the use of any vehicle provided for the employee's regular use. There is no automobile medical payments coverage on City vehicles. Medical coverage for an employee hurt in a vehicle on City business is covered under the City's Worker's Compensation policy; however, if using a City vehicle for personal uses, an employee may not be covered by Worker's Compensation and may have to apply for the coverage under their own personal City provided medical coverage. Likewise, a passenger that is not covered by their own Worker's Compensation policy will have to pay for their own injuries or prove that the City of Flagstaff was legally liable for any injuries.
8. Employee misconduct, misuse of assigned vehicle, or any violations of this policy are grounds for disciplinary action.

#### C. MONITORING

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

#### D. PROCEDURES

1. Fleet division sends the City Manager a list of City employees assigned to City owned vehicles on an annual basis.
2. City Manager's office sends the list out to Division Directors for updated information.
3. The immediate Supervisor complete new Vehicle Use Authorization forms. This is the first step of the process when a new employee is hired.

4. The immediate Supervisor, Section Head, and Division Director approves or denies the Forms and returns all approved Forms to the City Manager's office.
5. The City Manager's office sends the Forms to the Fleet Manager for review of vehicle type and approval or denial.
6. The Fleet Manager returns all approved forms to the City Manager's office for approval or denial. All Forms denied by the Fleet Manager are sent back to the Division Director.
7. The City Manager forwards all approved forms to the Human Resources Division and all denied forms back to the Division Director.
8. Human Resources files the approved form in the employee's personnel file.
9. Payroll collects monthly vehicle log and processes applicable taxes.

FORM(S):

Vehicle Use Authorization Form  
 Monthly Vehicle Log

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

**1-60-020. POLITICAL ACTIVITY**

- A. Any City employee desiring to run for city, county, state or federal office must take a leave of absence without pay upon filing for said office and, if elected, shall resign from City service.
  1. The foregoing shall not apply to the School Board election.
- B. It shall be the policy of the City of Flagstaff for all employees, classified or unclassified, full-time or part-time, or temporary, to remain free from political activity in any election, while on duty, while on City premises, or while in an official uniform of the City.

**1-60-030. NEPOTISM**

The purpose of this policy is to provide regulations concerning the employment of relatives. This policy is meant to prevent certain behaviors and/or workplace issues, including conflicts of interest and the appearance or existence of favoritism. This policy is guided by Arizona Revised Statute sections 38-101 and 38-481.

A. DEFINITIONS

1. “Family Member(s) Within the Third-Degree of Relationship” means Husband, Wife, Daughter (in-law), Son (in-law), Step Children, Grandchildren, Great Grandchildren, Mother (in-law), Father (in-law), Step Parents, Sister (in-law), Brother (in-law), Grandparents, Great Grandparents, Aunts, Uncles, Nieces, and Nephews. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
  2. “Immediate Supervisor” is the supervisor who is immediately responsible for an employee as viewed on an organizational chart. The immediate supervisor has responsibility for directing the work of an employee, evaluating performance, discipline, and recommending the hiring and/or termination of an employee.
  3. “Indirect Supervisor” is the second level supervisor for an employee as viewed on an organizational chart. This supervisor would review the performance and any employment related recommendations of the Immediate Supervisor.
  4. “Officer” is the employee(s) in the position of the City Manager, City Attorney, Presiding Magistrate, Magistrate, and On-Call Magistrate.
  5. “Officer’s Assistant” is the employee(s) in the position of Deputy City Manager, Deputy City Attorney, and anyone who exercises the powers and duties of the Officer.
  6. “Process” includes all procedures involving hiring, promotion, assigning work, training, evaluating performance, recognition, discipline, classification and/or compensation, and/or auditing.
- B. The City prohibits employees from taking action to direct the employment, promote, or direct the promotion, directly or indirectly supervise the work, evaluate the performance, or influence the compensation of any Family Member Within the Third-Degree of Relationship or work for, arrange, or suggest such employment, promotion, or other benefit.
- C. Family Members Within the Third-Degree of Relationship may not be employed in the same department in the following circumstances:
3. When the Immediate Supervisor is responsible for making decisions in personnel matters involving the employment, retention, or salary level of another Family Member Within the Third-Degree of Relationship.

4. When the Immediate Supervisor is responsible for supervising, evaluating, or auditing the work of another Family Member Within the Third-Degree of Relationship.
  5. When the Division Director is responsible for the approval of Processes of another Family Member Within the Third-Degree of Relationship.
  6. When other circumstances exist which place Family Members Within the Third-Degree of Relationship in situations of actual or reasonably foreseeable conflict of interest between the interests of the City and the interests of the Family Members Within the Third-Degree of Relationship.
  7. When the Family Member Within the Third-Degree of Relationship is a relative of an Officer or an Officer's Assistant.
- D. The City Manager is considered an Officer and is responsible to appoint, lay off, suspend, transfer, demote or remove all Officers and employees of the City, except as otherwise provided in the Charter, and may authorize the head of a department or office to appoint and remove subordinates in such department or office subject to such merit system regulations as adopted by City Council per City Charter Article III(3)(c). A Family Member Within the Third-Degree of Relationship of the City Manager may not be employed within the City of Flagstaff organization.
- E. Family Members Within the Third-Degree of Relationship may be employed in the same department when the Family Member Within the Third-Degree of Relationship is the Indirect Supervisor of an employee. However, the Indirect Supervisor must remove themselves from all Processes so as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship.
- F. PROCEDURES
1. Applicants will disclose any Family Member Within the Third-Degree of Relationship who is employed by the City on the City Application.
  2. Employees in the same department who become a Family Member Within the Third-Degree after hired must notify their Immediate Supervisor, Section Head, Division Director, Deputy City Manager and Human Resources, in writing as soon as practicable to allow for sufficient arrangements consistent with this policy.
  3. Applicants or employees who fail to disclose their relationships with a Family Member Within the Third-Degree of Relationship employed in the same department may be subject to disqualification, corrective action, or disciplinary action, up to and including a recommendation for termination.

4. Any employee in the organizational structure of a Family Member Within the Third-Degree of Relationship must remove themselves from all Processes so as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship. This employee in the organizational structure will be skipped or replaced by another employee in the Process.
  - a. When an employee identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the employee will be replaced when there is another employee in a similar position within the organizational structure.
  - b. When an employee identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the employee will be skipped when there is not another employee in a similar position within the organizational structure. The employee will not be asked to provide input into the Process.
  
5. Any Indirect Supervisor in the organizational structure of a Family Member Within the Third-Degree of Relationship must remove themselves from all Processes so as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship. The Indirect Supervisor in the organizational structure will be skipped or replaced by another Indirect Supervisor in Process.
  - a. When the Indirect Supervisor identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the Indirect Supervisor will be replaced when there is another Indirect Supervisor in a similar position within the organizational structure.
  - b. When the Indirect Supervisor identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the Indirect Supervisor will be skipped when there is not another Indirect Supervisor in a similar position within the organizational structure. This means the next level of supervision must assume responsibility for the Process and shall not ask for the Indirect Supervisor's input.

Link(s):

Arizona Revised Statute 38-101

Arizona Revised Statute 38-481

(Ord. No. 2007-39, Amended, 08/07/07) (Ord. No. 2018-39, Amended 01/10/19)

**1-60-040. GRATUITIES**

- A. No person or employee who seeks appointment or promotion with respect to any City 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 their test, evaluation, appointment, proposed appointment, promotion or proposed promotion.
  - 1. Any person or employee so described above shall automatically be disqualified for employment or dismissed from employment if the act involves a promotion.
- B. No employee who holds any compensated appointive City position shall accept a fee, gift, or other valuable item in the course of performing the duties and responsibilities of their position, or in connection with such fee, gift, or other valuable item given an employee by any person in hope or expectation of receiving a favor or better treatment than accorded other persons.

**1-60-050. OUTSIDE EMPLOYMENT**

Outside employment of full-time personnel shall not be permitted except with written permission of the Department Head, with the approval of the City Manager. Such permission will not be given if it is determined that such outside employment is likely to physically or mentally hamper the employee in their ability to do the job required by the City, if it is likely to reflect discredit on the City service or the employee, or if it is in conflict with one's position as a City employee.

**ARTICLE 1-70. CITY GROUP BENEFITS**

**1-70-010. EMPLOYEE INSURANCE**

The City provides a comprehensive and competitive benefit package which includes medical, dental, vision, life insurance and long-term disability to all benefit eligible employees.

**A. ELIGIBILITY**

- 1. City group benefits are provided to tenure eligible, tenure granted and exempt employees who work 20 hours or more per week.
- 2. Group benefits are provided after the completion of a required waiting period and will be effective the first of the month following thirty (30) days of continuous employment.
- 3. Eligible dependents will have the same effective date as the employee if they are included on the application at the time the employee first enrolls.

4. A domestic partner and his/her eligible dependent (s) may be enrolled:
  - a. After the applicable waiting period;
  - b. Proof of eligibility has been provided to Human Resources; and
  - c. Conditions of eligibility have been satisfied.
5. Employee must be actively at work and on paid status in order to remain eligible for City group benefits.

**B. DEFINITIONS**

1. A benefit eligible employee is defined as a tenure eligible, tenure granted and exempt employee who works 20 hours or more per week.
2. A dependent is defined as a legal spouse and an unmarried child(ren) of the employee or the unmarried child(ren) of his/her spouse and is not a benefit eligible employee with another Northern Arizona Public Employee Benefit Trust (NAPEBT) employer. The dependent may be covered to the age of 19 or 23 if a full-time student in an accredited institution. A dependent child who has reached the age of 19 or 23 who is deemed disabled may continue if the child meets the specific criteria.
3. A domestic partner is defined as a person of the same or opposite gender who:
  - a. Is not a benefit eligible employee with another NAPEBT employer;
  - b. Has signed jointly with the subscriber (an active employee) a notarized qualified domestic partner affidavit;
  - c. Shares the employee's permanent residence;
  - d. Has resided with the employee continuously and is expected to continue to reside with the employee indefinitely;
  - e. Has not signed a declaration or affidavit of Qualified Domestic Partnership with any other person within the last twelve (12) months;
  - f. Is financially interdependent with the employee in at least two (2) of the following ways:
    - i. Holding one or more credit or bank accounts jointly;
    - ii. Owning or leasing your permanent residence as joint tenants;

- iii. Naming your partner as a beneficiary of your life insurance or your will and being named by your partner as a beneficiary of their life insurance or will;
- iv. Each agreeing in writing to assume financial responsibility for the welfare of the other (i.e., durable power of attorney);  
or
- g. Is no less than 18 years of age and is not a blood relative;
- h. Is not legally married to or legally separated from another person;  
or
- i. Both persons are capable of consenting to the domestic partnership.

#### C. EMPLOYEE & EMPLOYER CONTRIBUTIONS

1. The City provides medical, dental, vision and life insurance to eligible employees and may require that the employee share costs towards the monthly contributions.
2. The City may provide a subsidy towards coverage for eligible dependents and the employee will be required to pay his/her costs of dependent coverage through payroll deductions.
3. Eligible employee contributions are pre-taxed in accordance with Section 125 of the Internal Revenue Code.
4. Employees who are enrolling a domestic partner and his/her eligible dependents, should be aware of the potential tax implications of obtaining group benefits.
  - a. The employee will be required to pay the necessary premium through payroll deduction and may not be on a pre-tax basis unless the domestic partner and enrolled dependent child(ren) qualify as tax code dependents. As a result, the employee is taxed on the fair market value (FMV) of group coverage extended to the employee's non-dependent domestic partner and his/her eligible dependent (s). The imputed income resulting from domestic partner coverage provided is deemed to be wages reported on the employee's W-2 and the City must withhold for required income taxes on the value of those benefits.
  - b. Any employees who are uncertain as to the tax status of their domestic partner and his/her eligible dependent (s) are encouraged to contact a tax consultant.



- c. Any employees enrolling a domestic partner should be aware that there may be legal implications associated with the formal establishment of a domestic partnership. Employees are encouraged to seek legal counsel regarding what these implications may be.

#### D. TERMINATION OF COVERAGE

1. The employee is responsible for notifying the Human Resources Division in the event that there is a divorce, death or an eligible dependent loses eligibility for coverage. The Human Resources Division must be notified within 31 days of the event. Applicable proof of death or divorce will be required.
2. To terminate group benefits due to dissolution of the domestic partnership, death of the domestic partner or failure to meet any stated requirement, a Termination Statement of Domestic Partnership must be submitted to the Human Resources Division within 31 days of the event.
3. The effective date of termination for group benefits resulting in loss of eligibility or termination of a domestic partnership will be the last day of the month in which the event occurs.
4. The spouse or eligible dependent may be eligible to continue benefits under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). The domestic partner will not be eligible to continue benefits under COBRA unless the employee elects continuation for himself/herself or the domestic partner is a qualified tax code dependent. An eligible dependent (s) of the domestic partner will be eligible to continue benefits under COBRA.
5. Voluntary supplemental life insurance for the employee's dependent (s), domestic partner and his/her eligible dependents may be converted.

#### E. LIFE INSURANCE

1. Basic Life and AD & D

The City provides a basic life insurance policy for benefit eligible employees. The benefit provides one times the current annual salary, and a benefit for accidental death and dismemberment is provided.

2. Voluntary Supplemental Life Insurance

Additional life insurance is available to all benefit eligible employees. Coverage may be purchased for the employee and his/her eligible dependents and for a domestic partner and his/her dependent child(ren).

The coverage is by voluntary election and the premiums are paid through payroll deductions.

**F. LONG TERM DISABILITY**

All employees who are active members in the Arizona State Retirement System are automatically enrolled in the Long-Term Disability (LTD) plan. The benefit provides a supplemental income designed to partially replace income lost during a period of disability resulting from a covered injury or illness. LTD will coordinate with benefits provided due to a work injury or illness (Worker's Compensation).

**G. FLEXIBLE SPENDING ACCOUNT**

All benefit eligible employees are eligible to make pre-tax contributions to the Flexible Spending Account (FSA) to pay for the employee's and eligible dependent (s) medical, dental, vision, over-the-counter medication and prescription drug expenses otherwise not covered; or to pay for eligible child/dependent care expenses. Expenses for the domestic partner and his/her dependent child(ren) are generally not covered through an FSA unless the domestic partner or his/her dependent child(ren) qualify as a tax code dependent.

**H. HEALTH SAVINGS ACCOUNTS**

An employee who has elected the High Deductible Health plan may elect a Health Savings Account (H.S.A.). The H.S.A is a tax-advantaged account used to pay for qualified medical, dental, vision and prescription drug expenses for the employee and eligible dependents and is funded by pre-tax contributions. The City will fund either the H.S.A or the FSA (limited) on behalf of the employee on a monthly basis. Expenses for the domestic partner and his/her dependent child(ren) are generally not covered through an H.S.A. unless the domestic partner or his/her dependent child(ren) qualify as a tax code dependent.

(Ord. No. 2009-12, Amended, 05/19/09)

**1-70-020. EMPLOYEE WELLNESS**

**A. EMPLOYEE ASSISTANCE PROGRAM**

An Employee Assistance Program is available to all tenure eligible, tenure granted and exempt employees. Six sessions per calendar year may be used for employee and eligible dependents, a domestic partner and his/her eligible dependent (s). Additional sessions may be covered through the group medical coverage. The City Manager, or designee, can limit or extend the number of sessions as needed.

**B. ANNUAL WELLNESS ASSESSMENT**

The City coordinates a complete wellness assessment at no cost to all tenure eligible, tenure granted and exempt employees who are enrolled with the City group medical

coverage. The assessment is also available to eligible dependents, a domestic partner and his/her eligible dependent (s) that are enrolled with the City group medical coverage.

**C. FLU SHOTS**

The City coordinates flu shots for employees, eligible dependents, a domestic partner and his/her eligible dependents (s) that are enrolled with the City group medical coverage.

**D. MOBILE ON-SITE MAMMOGRAPHY**

A mobile on-site mammography screening is coordinated annually at no cost for employees who are enrolled with the City group medical coverage. Women over the age of 40 or men/women of high risk with a doctor's referral are eligible.

**E. REPETITIVE MOTION THERAPY**

Repetitive Motion Therapy is offered to employees in an effort to prevent repetitive motion injuries. The services consist of 15-minute free professional upper-body massage therapy, compression, acupressure, repetitive use injury therapy and assisted stretches for back, shoulders, neck, arms and hands.

**F. TOBACCO CESSATION PROGRAM**

The City provides a tobacco cessation program and will reimburse for a cessation program, products and related assistance. The reimbursement is offered up to 3 attempts. Refer to the City Employee Directive 4-082 Tobacco Cessation Reimbursement for specific information on the program.

(Ord. No. 2009-12, Amended, 05/19/09)

**1-70-030. RETIREE INSURANCE**

The City may provide medical and dental insurance for eligible City retirees under certain terms and conditions, all of which are subject to change in part or in whole depending on policy changes made by the Northern Arizona Public Employees Benefit Trust (NAPEBT). Refer to the Retiree Insurance Chapter of the NAPEBT Administrative Manual.

[Link: NAPEBT Administrative Manual](#)

(Ord. No. 2015-14, Amended, 09/01/15); (Ord. No. 2009-12, Amended, 05/19/09)

**1-70-040. RETIREMENT**

A. All tenure eligible and tenure granted employees in the classified and unclassified service, except commissioned Fire Department personnel, participate in the Social Security Program.

- B. All tenure eligible and tenure granted employees in the classified and unclassified service, except commissioned Police and Fire personnel, are provided retirement coverage by the Arizona State Retirement System.
- C. Commissioned Police and Fire Department personnel who are regularly assigned to hazardous duty are provided retirement coverage by the Public Safety Personnel Retirement System.

(Ord. No. 2009-12, Amended, 05/19/09)

**1-70-050. UNIFORMS**

- A. Employees of the Police and Fire Departments who are required to wear uniforms are paid a quarterly uniform allowance.
- B. All other employees, who are required to wear uniforms, will receive City-issued uniforms or will be reimbursed by the City.

(Ord. No. 2009-12, Amended, 05/19/09)

**ARTICLE 1-80. SAFETY TRAINING**

**1-80-010. SAFETY**

- A. The City of Flagstaff seeks to provide a safe working environment for its employees, utilizing Occupational Safety and Health Administration (OSHA) standards as a guide.
- B. Cases of vehicular accidents and property abuse shall be reviewed by the City Accident Review Board which will make recommendations to the appropriate Department Head.
  - 1. Supervisory personnel have the responsibility for ensuring that the employees under their supervision are aware of and observe all safety rules pertaining to their duties.
- C. Employees are required, as a condition of employment, to observe all safety regulations and requirements given verbally or in writing by the properly constituted authorities. An employee who becomes aware of hazardous work practices or conditions shall immediately advise their supervisor of the situation.

**1-80-020. TRAINING**

- A. The City Council encourages employee training. Responsibility for developing training programs for employees shall be assumed jointly by the Human Resources Director and the Department Heads. Training efforts will be periodically reviewed and evaluated by the City Manager.

1. Reimbursement to employees for costs incurred for formalized training shall be in accordance with regulations established by the City Manager.
2. Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Human Resources Director.