



HUMAN RESOURCES POLICY MANUAL  
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## **INTRODUCTION**

### **General Forward**

These human resources policies for the Town of Prescott Valley have been designed and approved in order to provide each employee of the Town a clear and thorough understanding of the policies by which Prescott Valley strives to operate, as well as the conditions under which employment with the Town is accepted or continued.

Amendments or additions to these human resources policies shall be authorized only by the Prescott Valley Town Council. Each Town employee shall then be advised of the amendment or addition and shall immediately adhere to it. No employee, supervisor, Department Director or Council Member is authorized to make any oral representations or promises that vary from the provisions of these policies or that vary from the departmental rules and regulations (if any) applicable to that employee's department. Any such oral representations or promises are hereby declared to be null and void and should not be relied upon by any employee. **Neither this manual nor the human resources policies create an employment contract with employees.**

Violations of these policies will be perceived as a serious matter and may result in disciplinary or other administrative action, up to and including termination of employment.

### **Introduction to Human Resources Policies**

#### **Purpose**

A. These policies were developed to provide:

1. A written set of guidelines for Town employees.
2. A means of communication with employees, supervisors and directors.
3. A framework for recruitment, selection, employment, promotion, retention and separation of Town employees based upon an employee's qualifications for a position.
4. A way to promote the Town's philosophy.
5. A tool to assist the Town's leadership team in the development of sound management practices and procedures; and
6. A means of protecting the legal interests of the Town in compliance with federal and state laws.

Any violation of Town policy may result in disciplinary action, up to and including termination of employment.

## **Scope**

- A. These policies and procedures apply to all employees of the Town of Prescott Valley except where specifically stated otherwise in the Town Code, in these human resources policies, or in a written employment agreement between the Town and certain management-level employees, such as the Town Manager and Town Magistrate. These policies and procedures do not apply to non-employee positions as defined in the Town Code, including elected officials; members of boards, committees, and commissions; persons engaged by the town on a contractual basis; and other personnel whom the Council may designate.
- B. In the event of conflict between these policies and procedures and state, local, or federal law, the terms, and conditions of the state, local, or federal law shall prevail.

## **Amendments**

- A. Amendments to these policies may be proposed to the Town Council through the Town Manager or Director of Human Resources. The Council may, at its sole discretion by resolution, amend or repeal these policies at any time. Amendments to these policies become effective upon their adoption by the Town Council, or as otherwise designated by the Town Council.
- B. Amendments to these human resources policies may be adopted by a majority vote of the Town Council at any public meeting of the Council. Amendments may be proposed and adopted on the consent agenda.

## **Human Resources Policy Administration**

Administration of the human resources policies is the responsibility of the Director of Human Resources.

## **Disclaimer**

None of these provisions shall be deemed to create a vested contractual right for any employee nor to limit the power of the Town Manager or Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment in any individual situation.

## **GENERAL EMPLOYMENT RIGHTS AND RESPONSIBILITIES**

### **Policy 1-1 Equal Employment Opportunity**

The Town of Prescott Valley provides equal employment opportunities to all employees and applicants for employment without regard to race, color, national origin, religion, sex, (including pregnancy, sexual orientation, or gender identity), disability, age (40 or older), genetic information (including family medical history), marital or familial status, veteran status, or political affiliation, or any other classification or status protected by law.

#### **Section 1-1-1 Non-Discrimination**

- A. The Town complies with applicable laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.
- B. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations to qualified individuals with a disability provided that such accommodation does not constitute an undue hardship on the Town.

#### **Section 1-1-2 Consequences of Prohibited Conduct**

Violations of this policy may result in disciplinary action, up to and including termination of employment.

#### **Section 1-1-3 Equal Employment Opportunity**

The Director of Human Resources shall undertake the following actions to promote equal employment opportunities in the Town:

- A. Periodically review all position qualifications and descriptions to ensure requirements are relevant to the tasks to be performed and make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.
- B. Ensure that pay and benefits depend upon position responsibility and, along with overtime work, are administered on a non-discriminatory basis.
- C. Inform and provide guidance to staff and management leadership who make hiring decisions so that all applications for selections, promotion and termination, including those of minorities and women, are considered without discrimination and all applicants be given equal opportunity regardless of race, color, national origin, sex (including pregnancy, sexual orientation, or gender identity), disability, age (40 or older), genetic information,

marital or familial status, veteran status, political affiliation, or any other legally-protected category, in accordance with applicable law.

- D. Create a pool of qualified candidates to encourage diversity and promote equal employment opportunity in hiring. The following recruitment practices will be followed under the Director of Human Resources' direction:
  - 1. Positions selected for an external competitive recruitment process will be open for a minimum of five (5) working days.
  - 2. Positions selected for an external competitive recruitment process shall be advertised to the broadest audience available appropriate for the position and where feasible to do so.
- E. Distribute the Equal Employment Opportunity Policy to employees, contractors, and suppliers.
- F. Include an equal employment opportunity statement on applications and job announcements.

#### **Section 1-1-4 Responsibility**

The Director of Human Resources shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity efforts for the Town.

- A. The Equal Employment Opportunity Officer shall be the focal point for the Town's equal opportunity efforts and shall advise and assist staff and management leadership in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy and be responsible for the successful execution of all efforts, utilizing the assistance of appropriate state and community agencies.
- B. The Equal Employment Opportunity Officer will have the responsibility to examine existing internal policies or procedures that may serve as barriers to implementing the Equal Employment Opportunity commitment for the Town.

#### **Section 1-1-5 Anti-Harassment Policy**

The Town of Prescott Valley strictly prohibits any form of unlawful harassment based on race, color, national origin, religion, sex, (including pregnancy, sexual orientation, or gender identity), disability, age (40 or older), genetic information (including family medical history), marital or familial status, veteran status, or political affiliation, or any other classification or status protected by law. Improper interference with the ability of the Town's employees to perform their expected job duties will not be tolerated. Each employee (including each member of management) is

responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

With respect to sexual harassment, the Town prohibits the following:

- A. Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or other offensive nature, especially where:
  - 1. Submission to such conduct is made either explicitly or implicitly under a term or condition of employment.
  - 2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - 3. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment.
- B. Offensive comments, jokes, innuendoes, and other sexually oriented statements.
- C. Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:
  - 1. Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair or brushing against another's body.
  - 2. Sexually suggestive touching.
  - 3. Grabbing, groping, kissing, fondling.
  - 4. Violating someone's "personal space".
  - 5. Lewd, off-color, sexually oriented comments or jokes.
  - 6. Foul or obscene language.
  - 7. Leering, staring or stalking.
  - 8. Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
  - 9. Sexually oriented or explicit remarks.
  - 10. Questions about one's sex life or experience.
  - 11. Repeated requests for dates.

#### **Section 1-1-6 Reporting Possible Discrimination or Harassment**

- A. Any employee who experiences any discrimination or harassment in violation of the Town's Equal Employment Opportunity Policy or Anti-Harassment Policy, or who has witnessed or has knowledge of such conduct, must immediately report such conduct to a

Department Director, or the Director of Human Resources, who will investigate the complaint. The complaint will be kept confidential to the maximum extent practicable.

All supervisors, managers or directors who become aware of possible discrimination or harassment of an employee should report the situation to a Department Director or the Director of Human Resources.

### **Section 1-1-7 Investigation**

- A. Investigations will be both prompt and thorough in all matters.
- B. After an investigation, the Town will normally meet with the parties involved to report the results of the investigation and, where appropriate, to inform the parties of the steps the Town will take or has taken to correct the situation.
- C. If the Town determines that an employee has discriminated against or harassed another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.
- D. All employees are expected to cooperate in good faith with an investigation if asked to do so.

### **Section 1-1-8 Non-Retaliation**

- A. The Town will not tolerate retaliation against any employee for making a report of harassment or discrimination, or for cooperating in the investigation of such a report.
- B. If, after investigating any complaint of discrimination or harassment, the Town determines that the complaint is not legitimate and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including termination of employment.

### **Section 1-1-9 Coordination with State and Federal Laws**

The Town recognizes its responsibilities to comply with and ensure that equal opportunity and non-discrimination policies of state or federal agencies with which it conducts business are carried out in compliance with [Executive Order No. 11246 – Equal Employment Opportunity](#).

### **Section 1-1-10 Reference**

- [The Age Discrimination in Employment Act of 1967 \(ADEA\)](#)



- [Department of Labor – Whistleblower Protections](#)
- [The Equal Pay Act of 1963 \(EPA\)](#)
- [Executive Order No. 11246 – Equal Employment Opportunity](#)
- [The Genetic Information Non-discrimination Act of 2008 \(GINA\)](#)
- [The Pregnancy Discrimination Act](#)
- [Sections 102 and 103 of the Civil Rights Act of 1991](#)
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#)
- [Section 504 of the Rehabilitation Act of 1973, as amended.](#)
- [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- [Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972](#)
- [U.S. Equal Employment Opportunity Commission](#)

## **Policy 1-2 Code of Ethics**

The Town of Prescott Valley code of ethics defines a foundation of behavior for all employees of the Town to follow. Employees of the Town of Prescott Valley hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in exercise and performance of their official powers and duties. The Town recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

The code of ethics is supported by the Town’s five core values that form the ethical foundation for the Town of Prescott Valley:

- **SERVICE EXCELLENCE:** We are mindful of and care for the well-being of individuals and our community.
- **INTEGRITY:** We hold ourselves to the highest standards of professionalism. We are responsible, honest, and transparent. We do the right thing.
- **RESPECT:** We treat others with dignity. We genuinely welcome differences in people, cultures, ideas, and experiences for a more inclusive workplace.
- **TEAMWORK:** We honor our commitments and deliver results together. Under any circumstance, we stand up and say, count on me!
- **FUN:** Is our energizing force to create and innovate, finding a new way to pioneer public services.

Any violation of this code of ethics may result in disciplinary action up to and including dismissal.

### **Section 1-2-1 Performance of Duties**

- A. Employees should perform official duties diligently, conscientiously and to the best of their ability, remembering that they are public servants.
- B. Employees should always perform their duties with courtesy and respect for the public and for co-workers and without bias or prejudice, manifested by words or conduct, based upon race, color, national origin, religion, sex (including pregnancy, sexual orientation, or gender identity), disability, age (40 or older), genetic information, marital or familial status, veteran status, political affiliation, or any other classification or status protected by law.
- C. With support from the Town, employees should seek to maintain and improve their personal and professional growth and development and that of their co-workers through cooperation and participation in training and educational programs relevant to their duties and through any licensing or certification required for their position.
- D. Employees should perform their duties impartially in a manner consistent with law and the public interest, not influenced by kinship, position, partisan interests, public pressure or fear of criticism or reprisal.
- E. Employees should bring to the attention of their supervisor or to the Director of Human Resources any information that involves any material condition or situation that is or could be detrimental to the reputation/image of the Town of Prescott Valley or that they regard as a threat of liability, a threat to safety or a breach of law. The Town will not retaliate against any employee who makes such a disclosure in good faith. Resolution of the matter shall be pursued in accordance with the provisions of applicable local, state, and federal law.

### **Section 1-2-2 Abuse of Position**

- A. No employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions.
- B. No employee or a member of the employee's immediate family should accept, solicit, or agree to accept any gift, favor or anything of value with the understanding that the official actions, decisions or judgments of any employee will be influenced.
- C. No employee should request or accept any fee or compensation beyond that received by the employee in his or her official capacity for advice or assistance given in the course of his or her public employment.
- D. Each employee should use the public resources, property, and funds under the employee's control responsibly and for the public purpose intended by law and not for any private purpose.

### **Section 1-2-3 Confidentiality**

Employees of the Town should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential court-related, law enforcement-related or employee-related documents, while others handle sensitive matters concerning the operation of the government. Employees should maintain the confidentiality of these matters, ensuring information about these activities is made public only upon appropriate authorization by the Department Director, Director of Human Resources or Town Manager.

### **Section 1-2-4 Conflict of Interest**

All employees must manage their personal and business affairs so as to avoid situations that might lead to conflict, or the appearance of conflict, between self-interest and our duty to the Town, to the people served by the Town and to the general public. Every employee has an obligation to diligently identify, disclose, avoid and/or manage conflicts of interest. A potential conflict of interest exists when an employee's or an employee's relative's financial or proprietary interests may be directly or indirectly impacted, whether favorably or detrimentally, by a decision made by the Town of Prescott Valley in which the employee participates. Even if no abuse of position actually occurs, a conflict of interest or its appearance can seriously undermine the public's confidence and trust in the Town's governmental system. Employees must also comply with their obligations with respect to conflicts of interest as government employees under A.R.S. § 38-501 *et. seq.* (Conflict of Interest of Officers and Employees).

- A. **Outside Contracts.** Employees and their relatives should not enter into any contract with any component of the Town government for financial gain apart from an employment appointment without full disclosure and satisfactory management of any potential conflict of interest in accordance with policies established by the Town of Prescott Valley and applicable law.
- B. **Nepotism.** Familial relations among Town employees can create an actual or potential conflict of interest.
  - 1. Employees should not be involved in the decision to hire or in the supervision of any relative.
  - 2. Employees who reside in the same household will be allowed to work in the same department, and neither will be required to transfer or terminate employment, as long as neither is in a position that requires supervising the other.
  - 3. If a supervisory responsibility is involved, then the affected employees will determine which of them will transfer or resign in order to ensure compliance with this policy. The Town will assist in exploring transfer opportunities to like or similar positions for either employee, where possible.

4. For purposes of this policy, relative is defined as a spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse, stepchildren, stepparents (in-law), or other legal dependent of an employee or the employee's relatives.
- C. **Business with Private Party or Vendor.** Employees should not participate in decisions regarding conduct of Town business with any private party or vendor by whom the employee or a relative is employed or is actively seeking employment, or in whom the employee or a relative has a substantial interest.
- D. **Acceptance of Gifts, Gratuities, Hospitality.** Employees should not accept gifts, loans, gratuities, discounts, favors, hospitality, services, or other compensation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of duties. Examples of acceptable courtesies include a meal or social event; floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; or a sample or promotional gift of nominal value (\$25 or less).

### **Section 1-2-5 Outside Employment**

- A. While the Town of Prescott Valley does not oppose employees engaging in outside employment, each full-time employee should consider his or her position with the Town to be his/her primary place of employment. The outside employment of part-time employees may also reflect on the Town. Therefore, employees may not be permitted to engage in outside employment when it interferes with any employee's duties with the Town, involves an actual or potential conflict of interest, or compromises the integrity or credibility of the Town. Consequently, in addition to conflict-of-interest situations addressed above, employees should avoid:
1. Outside employment with an entity that conducts business with the Town or requires the employee to have frequent contact with entities that regularly do business with the Town without full disclosure and satisfactory management of any potential conflict of interest.
  2. Outside employment that cannot be accomplished outside of the employee's normal working hours or is otherwise incompatible with the performance of the employee's duties by placing the employee in a position of conflict between the employee's role at the Town and the employee's role in the outside employment.
  3. Performance of work for any governmental entity within the State of Arizona without the written consent of both employers.
  4. Outside employment that exploits official position or confidential information acquired in the performance of official duties for personal gain.

5. Outside employment that the public may view as work on behalf of the Town.
- B. An exception to restrictions on outside employment pertains to the police. Outside employment of police must conform to Police Department Policies and Procedures.
- C. Due to the importance of the public's perception of the governmental system, the Town requires that all employees who engage in outside employment disclose such work to the Department Director, who will notify the Director of Human Resources. Outside employment is subject to annual review for conformance to this Code of Conduct. Employees engaged in outside employment determined not to be in conformance may be required to cease such employment.

### **Section 1-2-6 Political Activity**

The Town seeks to maintain neutrality concerning political matters to the extent possible. Employees of the Town have a right to entertain and express personal opinions about political candidates and issues, but when performing their duties on behalf of the Town during working hours, employees of the Town shall endeavor to maintain neutrality in action and appearance, except where an employee's position entails political advocacy on the part of the Town.

#### **A. Political Campaigns**

Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours should not use his or her position or title within the Town in connection with such political activities.

#### **B. Candidate for Office**

1. An employee who declares an intention to run for partisan elective office must take an unpaid leave of absence upon the filing of nomination papers, unless more than 50% of the employee's salary is paid by federal funds, in which case the employee must resign. If elected, he or she must resign.
2. An employee who declares an intention to run for a paid non-partisan elective office or who is appointed to a paid non-partisan office in Prescott Valley, Chino Valley, Prescott, or Dewey-Humboldt must take an unpaid leave of absence.
3. An employee may be a candidate for an unpaid non-partisan elective office or may be appointed to an unpaid non-partisan office in another jurisdiction, without separating from employment, provided that the employee otherwise complies with this Code of Conduct.

### C. Political Activism

Employees shall not engage in political activity during their scheduled work hours or when using government vehicles or equipment, except in the performance of their duties on behalf of the Town. Political activity includes, but is not limited to:

1. Displaying literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency, candidate for political office or political issues sought to be placed on the ballot.
2. Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in Town employment to become a member of any political organization or to take part in any political activity.
3. Soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot.
4. Soliciting or receiving funds for political purposes.

### D. Political Discrimination

Employees should not discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

## **Section 1-2-7 Use of Public Property**

- A. No employee of the Town shall request, use or permit the use of Town-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such Town property is to be restricted to such services as are available to the Town generally and for the conduct of official Town business.
- B. Authorized personal uses include taking a Town vehicle to lunch when going to and from meetings on workdays as needed, use of a Town copy machine at cost, stopping to run personal errands when in a Town vehicle when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the Department Director, in consultation with the Director of Human Resources, on a case-by-case basis.
- C. Employees shall not have passengers in Town-owned vehicles unless the passenger is present for official Town business or if there is an emergency.

## **Section 1-2-8 Use of Social Media**

The Town Communications Division of the Town Manager's Office uses the organizational website and various social media outlets to inform and engage employees, potential employees,

residents, and the media about Town business activities, services, and policies. The Town recognizes that social media has become a significant form of communication for many people, for both personal and professional activities. The use of social media presents certain risks and carries with it certain responsibilities. The Town has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the Town and its officials.

The purpose of this policy is to protect the Town's brand and reputation, to provide guidance to help promote the integrity and accuracy of organization-related information shared on the internet, and to provide additional information and guidance to assist all employees in navigating the opportunities and potential risks that accompany social media use.

Please refer to the Town's Social Media Action Guidelines for more details about the use of Social Media for Town Communications:

<https://www.prescottvalley-az.gov/DocumentCenter/View/17116/Social-Media-Action-Guidelines-PDF>

## **A. Definitions**

1. *Town social media sites* means social media sites established and maintained by the Town and subject to the Town's exclusive control over postings thereto (except advertisements or hyperlinks by site providers, vendors, or partners).
2. *Content* means information, articles, pictures, videos, recordings, or any other form of communication approved by the Town Manager or his/her designee and uploaded to a Town social media site by authorized Town staff.
3. *Posts* means comments posted by citizens, including Town employees, to Town social media sites.

## **B. Policy Detail**

1. The Town's official website at [www.prescottvalley-az.gov](http://www.prescottvalley-az.gov) (or any domain owned by the Town) will remain the Town's primary means of internet communication and is managed by the Communications Division.
2. The establishment of Town social media sites is subject to approval by the Town Manager/ designee. Upon approval, Town social media sites shall bear the name and/or official logo of the Town and shall clearly state that such sites are maintained by the Town and that the sites comply with the Town's Social Media Policy.
3. All content on Town social media sites shall be reviewed, approved, and administered by the Town Manager/ designee to ensure adherence to both this policy and other Town interests and goals.

4. All Town social media sites shall adhere to applicable federal state and local laws, regulations, and policies.
5. The Town reserves the right to terminate any Town social media site at any time without notice.
6. The Town's social media policy shall be displayed to users or made available by hyperlink. Town social media sites are subject to the Arizona public records laws (A.R.S. § 39-0101 et. seq.) and Town public records policies. Any content maintained on a Town social media site that is related to Town business, including a list of subscribers, posted communications, and communication submitted for posting, may be considered a public record and subject to public disclosure.
7. The Town recognizes the numerous benefits of taking part in social media and encourages employees to voluntarily subscribe, comment on, and share information posted on the official Town social media accounts. However, employees should apply the same common sense, logic, and sound judgement online as they would in person. The same values, principles and guidelines for behavior found in the Town's human resources policies apply to activities online, including but not limited to the Town's anti-discrimination and anti-harassment policies. Employees representing the Town of Prescott Valley on Town social media sites shall conduct themselves at all times as a professional representative of the Town and in accordance with all Town policies. Employees must not represent or speak on behalf of the Town unless specifically authorized to do so.
8. Where Town social media sites contain content, advertisements, or hyperlinks over which the Town has no control, it is understood that the Town does not endorse such content, advertisements, or hyperlinks. A statement to this effect shall be prominently displayed on the site.
9. The Town shall have full permission or rights to any content or user-generated posts uploaded or posted to the Town's social media sites, including photographs and videos.

### **C. Content Guidelines**

1. Any employee authorized to upload content on any of the Town's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
2. The content of Town social media sites shall only pertain to information that advances Town interests and goals, including without limitation Town-related programs, services, and events.
3. Content uploaded to the Town's social media sites must not contain any confidential, privileged, proprietary, or personal identifying information protected from disclosure by state and/or federal law.



4. The Town reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Town Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos, recordings, or any other form of communication that is posted on a Town social media site.
5. Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable Town policies pertaining to communications and the use of the internet by employees.

#### **D. Posting Guidelines**

Town social media sites serve as a limited public forum for the purpose of disseminating information from the Town about the Town's mission, meetings, activities, interests, and goals. User-generated posts are monitored by the Town and are subject to being rejected or removed when the content:

- Contains obscene or explicit comments.
- Contains personal identifying information.
- Contains offensive terms that target legally protected classes.
- Is threatening, harassing, or discriminatory.
- May incite or promote violence or illegal activities.
- Advertises or promotes a commercial product or service.

#### **Section 1-2-9 Volunteer Activities**

Employees are encouraged to engage in volunteer activities. However, employees should evaluate their volunteer activities in the same manner as outside employment to identify any potential conflict with the employee's position with the Town. Employees should discuss these potential conflicts with their Department Director.

- A. An employee should declare volunteer activities only if the employee believes there is some reason for concern consistent with the spirit of this Code of Ethics.
- B. All reported volunteer activities will be reviewed for appropriateness under the guidelines in this policy by the Department Director and the Director of Human Resources.
- C. Should an employee disagree with the decision of the Department Director and the Director of Human Resources he/she may request an additional review by the Town Manager, whose decision is final.

## **TALENT ACQUISITION AND RETENTION**

### **Policy 2-1 Recruitment**

Vacancies for regular and temporary, full- and part-time classified and unclassified positions may be filled by an external competitive recruitment process, an internal competitive recruitment process or a non-competitive process. The Human Resources Department and the hiring department will work together to develop talent acquisition strategies to recruit and select employees from a qualified and diverse pool of candidates for each vacant position.

The Human Resources Department is responsible for ensuring compliance with all applicable laws and policies regarding talent acquisition and shall conduct all selection processes. The hiring department is responsible for recommending the selection of candidates.

#### **Section 2-1-1 Conditions of Employment**

The appointment, promotion and tenure of every Town employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant shall be discriminated against on the basis of race, color, national origin, religion, sex, (including pregnancy, sexual orientation, or gender identity), disability, age (40 or older), genetic information (including family medical history), marital or familial status, veteran status, or political affiliation, or any other classification or status protected by law.

#### **Section 2-1-2 External Competitive Talent Acquisition Process**

- A. Positions selected for an external competitive recruitment process may be publicized through print or social media postings; announcements in Town facilities, and through the Town's website, or by other methods as determined by the Director of Human Resources. The goal of all outreach efforts is to reach the broadest audience available.
- B. Positions will be open, and applications accepted for a minimum of five (5) working days.

#### **Section 2-1-3 Internal Competitive Talent Acquisition Process**

- A. Positions selected for an internal competitive recruitment process will be publicized to Town employees by posting announcements in Town facilities, through electronic means such as the Town's website or Town e-mail, and by other methods as determined by the Director of Human Resources.
- B. Positions will be open, and applications accepted for a minimum of five (5) working days.
- C. Term-limited temporary employees who meet all the following criteria may apply for positions posted as internal recruitments:

1. The temporary employee must be employed directly with the Town and not through a temporary agency or under a contract.
  2. The employee must have worked a minimum of 1,040 hours in the temporary position; and
  3. The employee must have completed a written application for the temporary position and that application must be on file in their official human resources file.
- D. Short-term temporary employees are not eligible to apply for positions posted as internal recruitments.

#### **Section 2-1-4 Non-Competitive Process**

- A. There will be certain job positions that may be filled through a non- competitive selection.
- B. Non-competitive selections shall only be made with the approval of the Town Manager or in consultation with the Director of Human Resources.
- C. All candidates selected through a non-competitive process must meet the minimum qualifications of the position in question.
- D. The following circumstances may justify an appointment without a competitive recruitment process:
1. In an emergency situation in which failure to fill a vacancy would compromise the operations of the Town, the Town may temporarily hire someone to fill the position while the Human Resources Department conducts a competitive search.
  2. On rare occasions, the Town Manager may identify an individual whose expertise and skills are aligned with pressing Town needs or strategic priorities. When time and resources limit the Town's ability to competitively recruit such an individual, the hiring department and/or the Human Resources Department may recommend to the Town Manager that the individual be hired on a non-competitive basis.
  3. In recognition of an employee's talents, contributions, and performance, the Town may appoint a current regular employee who has completed an initial evaluation period in any position with the Town or a term-limited temporary employee who has worked a minimum of 1,040 hours to a regular or temporary position within the Town without conducting a competitive search.

### **Section 2-1-5 Internships**

The Town offers paid internships to students looking to gain experience in local government. To be eligible, interns must be participating in an accredited undergraduate or graduate program of study relevant to Town service. Internships are advertised on the Town careers site.

### **Policy 2-2 Employment Application**

- A. Applications shall be accepted for positions that are open.
- B. An applicant may apply for more than one position.
- C. Each application must be signed by the person submitting the application and filed with the Human Resources Department through the Town's current software portal. Applications submitted electronically via the Town's website may be signed electronically. All applications, together with accompanying materials, become the property of the Town.
- D. The employment process may require that applicants submit to job related background screening and/or pre-employment conditions.

### **Policy 2-3 Examination**

When permitted by applicable law, applicants may be required to pass an examination or an evaluation before hire.

### **Section 2-3-1 Physical and Mental Fitness**

- A. All applicants for Town employment shall be of sufficient mental and physical fitness to be able to perform the essential functions of the positions for which they have applied. On acceptance of an offer of employment, the physical and mental fitness of individuals entering Town employment may be evaluated by physicians or employee assistance professionals approved by the Town and in accordance with applicable law.
- B. Reasonable accommodation for a qualified individual with a disability shall be provided unless provision of such an accommodation would impose an undue hardship upon the Town. The physical and mental qualifications of employees or candidates who have been selected for hire and accepted a conditional offer of employment may be evaluated by physicians approved by the Town.

### **Section 2-3-2 Pre-Employment Drug and Alcohol Test**

Applicants selected for employment in certain positions must pass a pre-employment drug and alcohol test. Any potential hire who refuses to test or fails the drug and alcohol test will be ineligible for employment with the Town.

### **Section 2-3-3 Test Development**

Examination and testing contents are developed by each Town hiring department with assistance provided by the Human Resources Department. Examination contents are confidential, and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

### **Section 2-3-4 Reasonable Accommodation**

Upon request, the Human Resources Department will provide reasonable accommodations to individuals with disabilities for purposes of any required examinations.

### **Policy 2-4 Preferences**

The Town shall follow applicable state law regarding hiring preferences for individuals with disabilities, veterans, and spouses of veterans. Proof of eligibility for any preference must be presented to the Human Resources Department at the time of application or examination.

### **Policy 2-5 Interviewing**

Interviews may be conducted to gather information specific to the candidate's ability to meet job requirements. The hiring department in partnership with the Human Resources Department will prepare an appropriate process that relates to an applicant's ability to meet educational, technical, and other requirements of the position to be filled. The primary focus of every interview will be on each applicant's work and pertinent non-work experience.

### **Policy 2-6 Reference Check and Background Investigation**

The Town will conduct employment verification, reference checks, and background checks of all prospective applicants for employment.

### **Section 2-6-1 Procedure**

- A. Human Resources Department staff will conduct employment verification and reference checks on applicants being considered for a position. Components of the reference check process may be delegated to the hiring department.
- B. Human Resources Department staff shall also conduct a background investigation of applicants selected for employment which may include, but is not limited to, any of the following:
  - 1. State or county criminal records search
  - 2. Multi-state/national criminal database search
  - 3. Federal criminal records search
  - 4. Education verification
  - 5. Employment verification
  - 6. Motor Vehicle Department record search
  - 7. Professional license and credential verification
  - 8. Sex offender registry search
  - 9. Social Security verification
  - 10. Address trace
  - 11. Character and/or personal reference checks
- C. The Police Department will also conduct an employment verification, reference check and background investigation as part of its process of qualifying Police Department candidates before selection as set out in Lexipol 1000.4 – 1000.5.
- D. Applicants are required to sign all necessary releases for employment verification, reference checks and background investigations.
- E. Some applicants may also be required to submit fingerprints.

### **Policy 2-7 Selection**

The hiring department is responsible for recommending the selection of candidates/final candidate for each vacant position. The Human Resources Department is responsible for contacting the successful candidate and extending an offer.

## **Policy 2-8 Employee Onboarding**

All new regular full-time and regular part-time employees will be scheduled for an onboarding meeting. During this meeting each employee will be provided with information on employee benefits and Town policies. Additional onboarding details will be provided online and through a webinar format, effective July 1, 2023.

### **Section 2-8-1 Citizenship**

All newly hired employees must present evidence of United States citizenship or work authorization at the time of orientation in accordance with the Immigration Reform and Control Act of 1986 and the Legal Arizona Workers Act. All law enforcement applicants must be United States citizens.

### **Section 2-8-2 Loyalty Oath**

All Town employees shall take the oath or affirmation as prescribed by state law at the time of orientation.

### **Section 2-8-3 Date of Hire/Length of Service Anniversary**

Date of hire shall mean the effective starting date of the individual's employment with the Town to determine length of service.

## **Policy 2-9 Employee Identification Cards**

The Town will issue electronic access identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other Town officials who may require Town identification or facility access while working or representing the Town. The Police Department may issue its own department identification card in lieu of or in addition to the Town identification card. See *Section 5-3-3 Employee Badge and Uniform Policy* for additional detail.

## **CLASSIFICATION AND COMPENSATION**

### **Policy 3-1 Position Status**

All positions in the Town are categorized as classified, unclassified, or temporary positions.

#### **Section 3-1-1 Definitions**

The following definitions shall apply whenever these terms are used throughout these Human Resources Policies.

- A. At-will: Employment that may be terminated by the employer or employee at any time with or without notice or cause, for any reason not prohibited by law.
- B. Full-time: A position for which the normal work schedule is at least 40 hours per week.
- C. Part-time: A position for which the normal work schedule is less than 30 hours per week.
- D. Probationary employee: A classified employee serving in an initial evaluation period.
- E. Regular employee: A classified or unclassified employee hired for an indefinite period in a budgeted position.

#### **Section 3-1-2 Non-Exempt/Classified Positions**

- A. All positions not specifically identified in the salary schedule implemented by the Town Manager as unclassified or temporary positions are classified positions.
- B. Notwithstanding paragraph A above, an employee may be hired in a classified position, but on a temporary basis. When this occurs, the employee will be considered to be in a temporary position, and will be subject to the policies, rules, and regulations governing temporary positions.

#### **Section 3-1-3 Exempt/Unclassified Positions**

All town officers, as defined in the Town Code, are in unclassified positions. Any other unclassified positions shall be identified as such in the salary schedule implemented by the Town Manager. Employees in unclassified positions are at-will employees.

#### **Section 3-1-4 Temporary Positions**

This category of employment is comprised of term-limited temporary positions and short-term temporary positions, as defined below. Employees in temporary positions are at-will employees.



Term-limited temporary positions are positions with work related to a specific grant, project, or other non-routine significant or substantial body of work, for a term not to exceed six (6) months. Short-term temporary positions are positions used to augment the workforce due to seasonal and other specific temporary workload needs that require additional staffing.

### **Policy 3-2 Classification Plan**

The Director of Human Resources shall maintain a position classification plan for the Town.

All amendments to the classification plan, including classification title changes, abolitions of obsolete classifications, and the creation of new classifications, require the approval of the Town Manager and the Director of Human Resources.

The establishment of a classification plan, allocation of classifications to a specific salary grade, position classification review decisions, and changes or adjustments to the classification plan, are not subject to appeal under the human resources action review procedures set forth in *Policy 5-7 Formal Human Resources Action Review Procedures*.

### **Policy 3-3 Compensation Plan**

The Town is committed to providing a highly competitive compensation package for its employees. In alignment with the Strategic Plan, the Town's goal is to attract and retain high-performing employees who develop innovative approaches to serving citizens and community partners. The Town's total compensation package includes:

1. Base pay, which is comprised of wages and salaries.
2. Benefits, including but not limited to, health/life insurance, pension plans/retirement plans, Workers' Compensation, and paid leave; and
3. Incentives, performance-based pay, and other supplemental pay and allowances.

### **Policy 3-4 Payroll Procedures**

Regular Town employees are paid biweekly. There are 26 pay periods in the calendar year.

#### **Section 3-4-1 Time Entry and Payroll**

- A. Employees shall use the Town's current approved time entry system for all time entry and leave requests.

- B. All non-exempt employees shall submit documentation of the number of hours worked, as well as any leave taken, in each pay period. The employee's direct supervisor shall verify and approve or disapprove the employee's hours worked and leave taken.
- C. All exempt employees shall submit documentation of leave taken each pay period. The employee's direct supervisor shall verify and approve or disapprove any leave taken.
- D. The Human Resources Department in partnership with the Finance Department is responsible for answering inquiries concerning payroll matters and will resolve pay inquiries in an expeditious manner.
- E. Falsification of time entry and leave taken is grounds for disciplinary action, up to and including termination.

### **Section 3-4-2 Pay Checks**

- A. Paychecks are paid through direct deposit on the Friday following the close of the pay period. If the Friday following the close of the pay period is a Town-recognized holiday, the Finance Department shall select and coordinate an alternate pay date if necessary.
- B. Employees receive a statement of earnings, deductions, leave balances and compensatory time balance for the period covered by the payment.

### **Section 3-4-3 Payroll Deductions**

- A. Mandatory deductions required by law shall be withheld from all employees' paychecks each pay period. These include, but are not limited to, state-mandated retirement contributions, federal income tax, state income tax, Social Security and Medicare (FICA) and any legal wage garnishment.
- B. Voluntary deductions require an employee's written authorization. Examples include, but are not limited to, direct deposit, deferred compensation, dependent health insurance coverage and supplemental health insurance.

### **Section 3-4-4 Pay Advances**

The Town does not grant requests for payment in advance of the regular pay day.

### **Section 3-4-5 Payroll Errors**

Occasionally, a payroll error will occur regarding an employee's wages. If an employee becomes aware of a payroll error, the employee shall provide written notice to the employee's supervisor. Once an error has been discovered, the Finance Department will initiate a correction.

## **Policy 3-5 Wages and Hours**

### **Section 3-5-1 Compliance with Wage and Hour Laws**

Position classifications shall either be exempt or non-exempt for pay purposes as defined by the Fair Labor Standards Act (FLSA). The Director of Human Resources shall determine the overtime status of a position classification in compliance with the FLSA.

### **Section 3-5-2 Overtime and Compensatory Time**

- A. It is the Town's policy to avoid the necessity of overtime whenever possible, but overtime work may be necessary to handle emergency situations and to meet seasonal or peak workload requirements of a critical nature.
- B. Department Directors are responsible for the planning required to minimize the need for overtime.
- C. Only non-exempt employees are eligible for overtime and compensatory time.
- D. Overtime must be approved in advance; provided, however, where appropriate due to business necessity, employees may obtain approval after having performed the overtime work. Employees who work unauthorized overtime may be subject to disciplinary action, up to and including termination.
- E. Compensatory time may be accrued by non-exempt employees in lieu of paid overtime, at the discretion of the Department Director.
- F. Nothing in this policy shall be construed to contravene the provisions of the Fair Labor Standards Act (FLSA).

### **Section 3-5-3 Exempt Employees**

- A. Exempt employees receive a salary and are not eligible for overtime pay or compensatory time off. Exempt employees are expected to work the hours necessary to satisfactorily perform their jobs. Exempt employees may be required to work a specified schedule set by their supervisor.

- B. The Town prohibits any deductions from exempt employees' pay that are improper under the FLSA. Deductions that are permitted include deductions that are required by law (e.g., income taxes); deductions for employee benefits that are authorized by the employee; deductions for absence from work for one or more full days for personal reasons other than sickness or disability; deductions for absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; deductions for an offset for amounts received as witness or jury fees, or for military pay; or deductions for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct infractions.
- C. If an exempt employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to his or her direct supervisor, the Department Director or to the Director of Human Resources. The Town will promptly investigate reports of improper deductions. If the Town determines that an improper deduction has occurred, the Town will promptly reimburse the employee accordingly.

#### **Section 3-5-4 Reference**

- [Fair Labor Standards Act](#)

#### **Policy 3-6 Holiday Pay**

- A. It is the policy of the Town to grant paid time off to eligible employees on the Town Council-approved holidays listed in *Policy 4-3 Holidays*.
- B. If a non-exempt employee is required to work on a Town-approved holiday, the employee will receive the holiday pay as set forth in paragraph A above, as well as pay for time actually worked, as set forth in this policy.
- C. In addition to regular pay, plus any special assignment pay, for hours worked, if an employee works on the actual date of a Town-approved holiday, the employee may receive additional holiday supplementary pay for the hours worked, as follows:
  - 1. If an employee works on the observed date for a Town-approved holiday, but not the actual holiday, the employee is not eligible for holiday supplementary pay.
  - 2. If a Town-approved holiday falls on a Saturday or Sunday and the Town observes it on another day, the employee will receive holiday supplementary pay if the employee is required to work on the actual holiday (i.e., the Saturday or Sunday).
- D. Holiday supplementary pay is calculated at one-half times the employee's regular base rate of pay.

### **Policy 3-7 Adjustments to Pay Based on Employment Action**

Adjustments to employee pay may occur on the basis of employment actions as set forth in this policy.

#### **Section 3-7-1 Promotion, Demotion and Lateral Transfer**

- A. An employee may move from a position in a lower classification to a position in a higher classification where the pay grade minimum and/or maximum is of greater value. Such movement is considered a promotion. Upon promotion, an employee shall receive commensurate pay.
- B. An employee may move from a position in a higher classification to a position in a lower classification where the pay grade minimum and/or maximum is of lesser value. Such a movement is considered a demotion. Upon demotion, an employee will have his or her pay reduced.
- C. An employee may move from one position in one classification to a position in a different classification, or from one position to another position in the same classification whereby the salary minimum and maximum are equal. Such movement is considered a lateral transfer. The employee's pay will ordinarily not change in this circumstance.

#### **Section 3-7-2 Special Assignments and Special Assignment Pay**

- A. The Town may, in its sole discretion, assign employees to special assignments. The number, type and duration of any special assignments shall be determined by the Town based on operational needs and is subject to periodic review by the Town.
- B. If assigned, special assignments shall not be considered a right or entitlement. An employee in a special assignment has no rights to that assignment or any tasks associated with that assignment no matter the duration of the special assignment.
- C. Special assignments may include:
  - 1. Working out-of-classification in a higher-level classification.
  - 2. Performing additional duties outside of the scope of the employee's regular classification for a period of time, such as assuming some or all of the responsibilities of a vacant position and/or temporarily assuming the title of a vacant position.
  - 3. Serving in a lead or supervisory role when the employee's regular position does not require lead or supervisory responsibilities.
- D. Special assignment pay may be provided to employees serving a special assignment.

### **Section 3-7-3 Call-Out**

- A. When a non-exempt employee is called back to unscheduled regular duty requiring the employee to report to a Town facility or worksite, the employee may be eligible for call-out supplementary pay.
- B. Employees not scheduled for on-call duty but are called back into work will be paid regular wages for a minimum of two (2) hours.
- C. On-call employees called back into work will be compensated at a minimum of two (2) hours call-out supplementary pay.
- D. Call-out supplementary pay is calculated at a one-half times the employee's regular base rate of pay plus any special assignment pay for hours worked during call-out.

### **Section 3-7-4 On-Call/Stand-By Assignments and Pay**

- A. Certain non-exempt positions may be designated as eligible to receive on-call and/or stand-by pay based on the need for 24 hours per day, 7 days per week coverage and in emergency response requirements. Department Directors shall determine the length, duration and rotation of on-call or stand-by assignments.
- B. The Town also operates a Seasonal All-Call program to support Public Works during seasonal opportunities that may arise. Existing employees who meet the requirements of the role may apply for the All-Call program. If successful, the position is on an on-call basis above and beyond the employee's normal working hours. All-Call related compensation will be paid at \$25/hour if the responsibilities are completely different to the employee's normal job description, or at 1 ½ hours overtime pay if the All-Call position aligns with the employee's current job description.

### **Section 3-7-5 Shift Differential Pay**

**Certain non-exempt positions may be designated as eligible to receive shift differential pay based on, among other potential factors, budget capacity with consideration given to the shift differential rates paid in other jurisdictions that make up the Town's market for the purposes of surveying pay and benefits.****Policy 3-8 Emergency Closures**

Emergencies such as severe weather, fires, power failures or floods can disrupt Town operations and may require the closing of a work facility. Closing a work facility is at the sole discretion of the Town Manager. In the event that an emergency occurs during non-working hours, affected employees will be notified.

### **Policy 3-9 Vehicle Allowance/Take-Home Vehicles**

The Town Manager may authorize a monthly vehicle allowance or the use of a Town take-home vehicle for certain employees.

#### **Section 3-9-1 Exempt/Unclassified Employees**

- A. The Town Manager may provide a vehicle allowance or take-home vehicle to unclassified employees to compensate them for required frequent travel to meetings and work assignments throughout the Town.
- B. The Town Manager may authorize the use of a Town take-home vehicle in lieu of a monthly vehicle allowance for an unclassified employee when using a Town vehicle results in operational efficiencies.

#### **Section 3-9-2 Non-Exempt Classified Employees**

The Town Manager may authorize the use of a Town take-home vehicle for a classified employee when using a Town vehicle results in operational efficiencies. If granted, the use of a take-home vehicle may have a tax implication for the employee.

#### **Section 3-9-3 Vehicle Allowance**

- A. The Town Manager shall establish monthly vehicle allowance rates within Town Council-approved budgetary limits.
- B. Employees who receive a monthly vehicle allowance may not use a Town vehicle as a take-home vehicle and may not request mileage reimbursement for local travel within a one-way direction of 25 miles from the employee's regular work location.

#### **Section 3-9-4 Take-Home Vehicles**

A Town employee who is authorized to use a Town take-home vehicle may not receive a vehicle allowance during the same time period. A Town vehicle may not be used for personal use, including to transport family/friends (non-employees).

### **Policy 3-10 Relocation and Interview Expenses**

### **Section 3-10-1 Relocation Expenses**

- A. The Town Manager, in his or her sole discretion, may authorize reimbursement of relocation expenses for a newly hired exempt/unclassified employee in an amount of up to \$5,000.
- B. Reimbursement of relocation expenses shall be a one-time reimbursement, limited to the cost of moving furniture and personal effects from the employee's current home to his or her new home.
- C. The reimbursement shall be treated as income to the employee.
- D. The relocation and reimbursement of expenses must occur within the twelve (12) month period following the unclassified employee's hire date. Exceptions to this timeline may be granted by the Town Manager at his/her discretion.
- E. Exempt/unclassified employees who are offered and accept reimbursement of relocation expenses shall be required to sign an agreement as part of an initial offer of employment letter indicating acceptance of all the terms of the relocation expense reimbursement.

### **Section 3-10-2 Interview Expenses**

The Director of Human Resources may, in his or her sole discretion, authorize payment of travel expenses to and from an interview process at the Town upon the extension of a candidacy invitation to interview for a vacant position. Only transportation and lodging expenses shall be considered for reimbursement.

### **Section 3-10-3 Severance Benefits**

- A. The Town Manager may determine in his or her sole discretion whether to provide severance benefits to an eligible employee based on the provisions of this policy and any other relevant factors, including, without limitation, the employee's position and the employee's length of employment with the Town.
- B. Severance benefits do not include any payment which the employee is already entitled to for earned wages, accrued leave hours, overtime compensation, or any other benefits accrued and vested to the employee. Payment of these items will be governed by applicable law and policy.

### **Section 3-10-4 Disqualification**

Unless specifically authorized by the Town Manager, an employee in an unclassified position is not eligible for severance benefits if his or her termination is due to one or more of the following actions:

- A. Voluntary resignation



- B. Retirement
- C. Termination for cause

### **Section 3-10-5 Conditions for Receipt of Severance Benefits**

- A. To be eligible for benefits under this policy, the employee must execute a separation/severance agreement within the timelines and terms and conditions established by the Town.
- B. The separation/severance agreement will include, without limitation, a waiver by the employee of any and all legal claims or potential legal claims against the Town, its officers, employees, and agents relating to the employee's employment or separation of employment with the Town.

### **Section 3-10-6 Budget Appropriation and Capacity**

All severance benefits are subject to any limitations imposed by the Town's budget appropriations and capacity and the availability of funds.

### **Policy 3-11 Second Language Pay (Bi-Lingual Pay)**

The Director of Human Resources may authorize second language pay for certain employees based on the employee's position, the employee's proficiency in the second language, and the business need for the use of a second language in the employee's position.

### **Policy 3-12 Certification/Licensing Pay**

Regular employees who obtain a professional certification/license related to their current role and job description are eligible to apply for a \$1,000 professional qualification bonus per eligible qualification. Application requests will be reviewed by the Human Resources Department and payment is contingent upon available Town resources.

## **EMPLOYMENT BENEFITS AND LEAVES**

### **Policy 4-1 General Leave**

The Town of Prescott Valley provides general leave with pay to eligible employees. General leave may be used by employees for purposes of rest and relaxation, to attend to matters of a personal nature, and as sick time for themselves or family members. The Town intends for this policy to comply with all state and local laws, including Arizona’s Fair Wages and Healthy Families Act, A.R.S. § 23-371, et. seq (the “Act”), requiring an employer to provide paid leave to its employees for certain qualifying reasons. If any conflict develops between this general leave policy and applicable law, the Town will apply and follow applicable law.

#### **Section 4-1-1 Eligibility**

The provisions of this policy apply to all full and part-time employees, including those serving in an initial evaluation period and temporary employees.

#### **Section 4-1-2 Accrual of General Leave**

- A. Eligible employees shall begin to accrue general leave on their effective date of hire.
- B. When an employee is on unpaid leave, the employee shall not accrue general leave.
- C. General leave accrual is cumulative and may be carried over into the next leave year, up to the maximum number of hours permitted by this policy.

#### **Section 4-1-3 Rate of Accrual & Limits for Separation Payment**

##### **A. Accrual Rates**

<b>Length of Service</b>	<b>Maximum General Leave Accrual Per Fiscal Year</b>	
	<b>Full-time Employees</b>	<b>Part-time Employees</b>
0 to 5 years	200 hours	125 hours
6-10 years	232 hours	145 hours
11 years and over	240 hours	150 hours

**NOTE:** The maximum general leave accrual for employees hired on or before June 30, 2023, is limited to 480 hours with this accrual limit as the basis for payment upon separation of employment. For employees hired on or after July 1, 2023, the maximum accrual is limited to 300 hours with the cap for payment at separation of employment, limited to a maximum of 150 hours of general leave.

- B. Effective July 1, 2023, eligible employees shall have the following annual redemption process available to them as listed below.

<b>General Leave Redemption Rates</b>	
<b>Length of Service</b>	<b>General Redemption</b>
Minimum completion of six (6) months of service	Prior-Year Election: Forty (40) hours of general leave at full cash value per fiscal year. Must be elected by December 31 for leave that will be earned in the following calendar year. In no event shall an employee have general leave redemption that would reduce their accumulated balance below eighty (80) hours.
	Hardship Provision: Forty (40) hours of general leave at full cash value per fiscal year limited to the amount needed for an immediate and heavy financial need that cannot be fulfilled by any other reasonably available assets. In no event shall an employee have general leave redemption that would reduce their accumulated balance below eighty (80) hours.
Limitation	Redemption pay is subject to budgetary approval by Town Council.
Separation Leave	Payment for accrued but unused general leave shall be at the employee's base rate of pay upon separation from service. Maximum general leave utilization prior to employment exit date/separation may not exceed fifteen (15) calendar days.

- C. For purposes of determining length of service, the year noted begins on the day after the preceding anniversary. For example, an employee shall be employed for greater than five years on the day after the employee's fifth anniversary. Therefore, the employee shall begin earning at the higher accrual rate for the pay period in which this date falls.

#### **Section 4-1-4 Maximum Accrued Hours Permitted**

- A. Employees in the following categories shall be permitted to accrue a maximum of 240 hours of general leave per year, regardless of length of service:
1. Deputy or Assistant Town Managers
  2. Department Directors
  3. Deputy or Assistant Department Directors with management responsibilities including supervision of staff.

#### **Section 4-1-5 Use of General Leave**

- A. General leave includes all periods of approved absence with pay which are not chargeable to another category of leave.

Employees may use accrued general leave when they plan to be away from work during normally scheduled hours. General leave may also be used by employees to care for themselves or qualifying family members under those circumstances described in the Arizona's Fair Wages and Healthy Families Act, including:

- Medical care or mental or physical illness, injury, or health condition.
- A public health emergency as defined in A.R.S. §23-373; and
- Absence due to domestic violence, sexual violence, abuse, or stalking.

For purposes of this policy, "family member" means:

- Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of an employee's 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.
- 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.
- 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;
- 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
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

## B. Request for Planned, Non-Emergency Use

1. Employees shall submit planned, non-emergency leave requests as far in advance as possible to their supervisor before taking any time off. Non-emergency use includes scheduled vacation, personal business, healthcare appointments, and other planned events. Requests will be reviewed based on a number of factors, including Town needs and staffing requirements.
2. When the non-emergency use of earned general leave is for purposes described in the Act, the requesting employee shall make a good faith effort to provide advance notice to the appropriate supervisor and shall make a reasonable effort to schedule the general leave in a manner that does not unduly disrupt the operations of the employee's department.
3. Any consecutive use of general leave for non-emergency purposes shall be limited to thirty (30) calendar days unless otherwise approved by the department director.

## C. Unplanned Emergency Use

1. Unplanned emergency use includes, but is not limited to, those circumstances described in the Act as referenced in paragraph A above.
  - a. In the case of an unplanned absence, the employee who is unable to report to work as scheduled for any reason shall notify, or cause to be notified, the immediate supervisor by telephone or by email sent to the supervisor's Town assigned email account no later than one (1) hour before the beginning of the assigned work shift or as soon as practicable unless departmental policies differ.
  - b. In the case of an employee becoming ill on the job or being notified of an emergency affecting the employee's ability to continue working, the employee shall notify the supervisor before leaving the workplace.
2. In the case of any unplanned usage of general leave for illness that exceeds three (3) consecutive days, the supervisor or department director may require medical confirmation of said illness or injury at the expense of the employee prior to approval of payment for general leave. Additionally, employees in such cases should contact the Human Resources Department for any FMLA benefits due. The Town may not require an employee to disclose additional details of an illness or circumstances involved as a condition or permitting general leave use. If such information is self-disclosed, the information shall be deemed confidential and not disclosed except to the affected employee or with the permission of the affected employee. Should the employee be found to have falsified the reasons for emergency use of general leave, the department director may deny the payment of general leave and/or initiate appropriate disciplinary action up to, and including, termination.

3. Irrespective of the length of absence, an employee in a safety sensitive position who uses 3 or more days of consecutive general leave as a result of a personal illness or injury may be required to provide medical confirmation from the employee's physician, at the expense of the employee, and may be required to obtain medical confirmation from the Town physician, at the expense of the Town, prior to the employee's return to work, in order to confirm that the employee is able to perform the essential functions of the job with or without accommodations.
4. Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation.

#### **Section 4-1-6 Use in Conjunction with Disability Leave and Workers' Compensation**

##### **1. Short and/or Long-Term Disability Plan**

- a. During the fourteen (14) calendar day waiting period before short-term disability benefits begin, an employee may apply accrued compensatory time or general leave hours, to the extent they are available, to cover the waiting period.
- b. Once lost-wage benefit payments begin, an employee will be eligible to supplement disability pay with other earned paid time off. Such supplemental pay when combined with disability pay shall not exceed one hundred percent (100%) of an employee's regular base salary. General leave accruals will be discontinued in the pay period if the employee does not perform any work because the employee is on approved disability leave.
- c. Supplemental pay shall be applied in the order that follows:
  - 1st – hours from the employee's banked general leave account
  - 2nd – compensatory time or general leave hours available
  - 3rd – requested and approved Emergency general leave.
- d. Upon exhaustion of all available paid time off, disability benefits will continue per the plan guidelines with no additional supplemental pay. Retirement contributions will cease. It is the responsibility of the employee to arrange payment with the Human Resources Department for dependent insurance coverage or any other deductions normally taken from the employees' paycheck.

##### **2. Workers' Compensation (WC)**

- a. If an employee is absent from work because of any injury, illness, or disease that is covered under the State of Arizona Workers' Compensation Act, the absence is considered industrial accident leave.
- b. During the seven (7) calendar day waiting period before WC loss of income begins, an employee may apply accrued compensatory time or general leave hours, to the extent they are available, to cover the waiting period. If the incapacity extends beyond fourteen (14) consecutive calendar days any compensatory or general leave hours used during the initial waiting period will be restored.
- c. General leave accruals will be discontinued in the pay period when the employee does not perform any work because the employee is on industrial leave. Employees should refer to Policy 4-11 Supplemental Benefits Plan for coordination of any supplemental lost-time wage benefits available beyond seven days.
- d. The employee remains responsible for all voluntary deductions and to arrange repayment with the Human Resources Department in the event their pay does not cover said obligations.

#### **Section 4-1-7 General Leave Pay**

General leave shall be paid at the employee's base rate of pay at the time of the leave. General leave pay shall not include overtime, holiday pay, bonuses or other types of incentive pay.

#### **Section 4-1-8 Payment of General Leave Upon Termination of Employment**

Upon termination of employment, employees shall be paid at their base rate of pay for any unused accrued general leave earned through the last day of work, up to the maximum accrual rates set out in *Section 4-1-4 Maximum Accrued Hours Permitted*.

#### **Section 4-1-9 Reference**

- [Fair Wages and Healthy Families Act of 2016](#)
- [A.R.S. §23-371 et seq.](#)

## **Policy 4-2 Managed Time Off (MTO) Leave**

- A. As an incentive to recruit and retain key employees, the Town Manager may, upon hiring or on an annual basis, consider granting MTO leave, up to an additional 40 hours of paid leave per calendar year, to employees in the following categories:
  - 1. Deputy or Assistant Town Managers
  - 2. Department Directors
  - 3. Deputy or Assistant Department Directors with management responsibilities including supervision of staff.
  - 4. Commanders.
- B. Granting of MTO will be considered on an annual basis and is subject to budget availability and at the discretion of the Town Manager.
- C. MTO does not accrue beyond the year of issuance and employees shall not be compensated for unused MTO leave upon termination of employment.

## **Policy 4-3 Holidays**

The Town provides paid time off to eligible employees for Town Council-approved holidays. Regular Town operations are officially closed during these approved holidays.

### **Section 4-3-1 Eligibility**

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term- limited temporary employees.

### **Section 4-3-2 Town-Approved Holidays**

- A. The Town-approved holidays for each calendar year are as follows.
  - 1. New Year's Day (January 1)
  - 2. Martin Luther King, Jr./Civil Rights Day (third Monday in January)
  - 3. Presidents' Day (third Monday in February)
  - 4. Memorial Day (last Monday in May)
  - 5. Independence Day (July 4)
  - 6. Labor Day (first Monday in September)



7. Veterans' Day (November 11)
8. Thanksgiving Day (fourth Thursday in November)
9. Day after Thanksgiving
10. Christmas Eve (December 24)
11. Christmas Day (December 25)

B. The Town Council, at its sole discretion, may approve additional holidays in any calendar year.

#### **Section 4-3-3 Amount of Paid Time Off for Town-Approved Holidays**

- A. Eligible full-time employees shall receive ten (10) hours of paid time off on Town-approved holidays.
- B. Eligible part-time employees shall receive six (6) hours of paid time off on Town-approved holidays.

Refer to *Policy 3-6 Holiday Pay* for further details.

#### **Section 4-3-4 Miscellaneous Rules**

- A. If a Town-approved holiday falls on a day when an eligible employee is on General Leave, the employee shall receive paid time off for the Town-approved holiday as specified in Section 4-3-3 and deductions from the employee's general leave balances for that day will be appropriately reduced.
- B. If a Town-approved holiday falls on an eligible employee's regularly scheduled day off, the employee shall receive paid time off for that holiday as specified in Section 4-3-3. The employee may be allowed to shift the holiday to a regularly scheduled workday occurring in the same work week as the holiday, subject to advance approval of their supervisor.
- C. If a Town-approved holiday falls on a weekend (Saturday or Sunday), the Town will observe the holiday on a weekday, as designated on the payroll and holiday schedule approved by the Town Manager.
- D. Employee positions that operate on a continuous 24-hour, seven-day schedule (i.e., Police Officers) shall observe the holiday on the actual calendar day on which it falls.

#### **Section 4-3-5 Exception**

An employee who is in an unpaid status on the day immediately preceding or immediately following a Town-approved holiday, excluding the employee's regularly scheduled day off, shall not receive paid time off for the holiday.

## **Policy 4-4 Military Leave**

Pursuant to the Uniformed Services Employment and Reemployment Act (USERRA) and applicable state law, the Town shall grant a military leave of absence to any eligible employee to attend scheduled drills or training or if called to active duty with the United States armed services.

The provisions of this policy are not intended to conflict with or supersede state or federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state or federal law, state or federal law shall control.

### **Section 4-4-1 Eligibility**

Employee eligibility for military leave shall be determined in accordance with the provisions of applicable state and federal law.

### **Section 4-4-2 Military Leave**

- A. An eligible employee ordered to military service shall be granted paid military leave of up to 240 hours in any two consecutive years. For the purposes of this policy, “year” means the fiscal year of the United States government. Leave which occurs on an employee’s regularly scheduled days off shall not be charged against the 240-hour allotment.
- B. For required military service exceeding the 240-hour allotment, an employee shall be granted military leave that may be unpaid or paid via the employee’s use of accrued General Leave, MTO or compensatory leave balances. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

### **Section 4-4-3 Advance Notice Requirements**

- A. An employee ordered to military service shall provide his or her Department Director with advance notification of the leave at least 30 days prior to departure when it is feasible to do so, unless giving advance notice is prevented by military necessity or is otherwise impossible or unreasonable under the circumstances. The notice may be either verbal or written.
- B. Additionally, the Town requests that the employee provide his or her Department Director with a copy of the employee’s military orders as soon as practicable.

### **Section 4-4-4 No Break in Service**

Time spent in active military service is not considered a break in service for purposes of determining seniority or leave accrual rates.

### **Section 4-4-5 Return to Work**

If an employee fails to report to work within the timeframes established under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) or applicable state law at the conclusion of the military leave and has not submitted a written request for additional leave, the employee is considered to have resigned.

### **Section 4-4-6 Reference**

- [A.R.S. §36-610 Leaves of Absence for certain military and disaster training.](#)
- [A.R.S. §38-858 Credit for military services](#)
- [A.R.S. §38-610 Leaves of Absence for certain military and disaster training](#)
- [Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#)

## **Policy 4-5 Bereavement Leave**

The Town provides bereavement leave with pay to eligible employees.

### **Section 4-5-1 Eligibility**

The provisions of this policy apply to all regular full- and part-time employees, including those serving in an initial evaluation period, and term- limited temporary employees.

### **Section 4-5-2 Amount of Bereavement Leave**

- A. Eligible employees shall receive five (5) days bereavement leave for the death of an immediate family member.
- B. An employee may request to use any available paid leave balances for additional time off as necessary. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

### **Section 4-5-3 Request for Bereavement Leave**

An employee shall submit a bereavement leave request to his or her supervisor as soon as the need for the leave arises or as soon as possible thereafter. Supervisors shall approve requests for bereavement leave in the absence of unusual Town operational requirements.

#### **Section 4-5-4 Definition of Immediate Family**

For purposes of this policy, “immediate family member” shall be defined as the employee’s spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or stepchild and any other person whose association with the employee was similar to any of the above relationships.

#### **Policy 4-6 Family and Medical Leave**

In accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended, the Town provides job-protected family and medical leaves of absence without pay to eligible employees who are temporarily unable to work due to an FMLA-qualifying reason.

The provisions of this policy are not intended to conflict with or supersede federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal law, federal law shall control.

#### **Section 4-6-1 Qualifying Reasons for FMLA Leave**

Eligible employees may qualify for FMLA leave for one or more of the following reasons.

- A. A serious health condition that renders the employee unable to perform the functions of the employee’s job.
- B. The birth and care of a newborn child of the employee.
- C. The placement with the employee of a child for adoption or foster care.
- D. To care for the employee’s spouse, child or parent with a serious health condition.
- E. To care for a covered service member of the Armed Forces with a serious injury or illness.
- F. Any qualifying exigency related to the active duty or call to active duty of a covered military member.

#### **Section 4-6-2 Definitions**

- A. Covered military member. The employee’s spouse, son, daughter or parent on active-duty status or call to active-duty status as either a member of the regular component of the Armed Forces or a member of the Reserve components of the Armed Forces or a retired member of the regular Armed Forces or Reserve.
- B. Covered servicemember. The employee’s spouse, son, daughter, parent or next of kin, as defined by federal regulations, who is either of the following:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness or who is otherwise in outpatient status or is otherwise on the temporary disability retired list.
  2. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.
- C. Group health plan. A plan (including a self-insured plan) of, or contributed to by, an employer or employee organization to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families.
- D. Key employee. A salaried FMLA-eligible employee who is among the highest paid ten percent of all Town employees, as determined pursuant to the FMLA and accompanying regulations.
- E. Serious health condition. An illness, injury, impairment or physical or mental condition that involves either inpatient care in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing one or more of the functions of their job or prevents the qualified family member from participating in school or other daily activities.
- F. Serious injury or illness.
1. An injury or illness incurred by a member of the Armed Forces, including a member of the National Guard or Reserves, in the line of duty on active duty in the Armed Forces or an injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
  2. A qualifying injury or illness, as defined by the Secretary of Labor, incurred by a veteran in the line of duty on active duty in the Armed Forces or an injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.
- G. Veteran. A person who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.

### **Section 4-6-3 Eligibility**

- A. An "eligible employee" under the FMLA is a classified or unclassified employee who has:

1. Worked for the Town for at least 12 months; and
  2. Worked at least 1,250 hours during the 12-month period immediately preceding the commencement of FMLA leave.
- B. The 12 months required by paragraph (A)(1) above need not be consecutive months. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave during which other benefits or compensation are provided by the Town (e.g., workers' compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as "at least 12 months," 52 weeks is deemed to be equal to 12 months.
- C. Whether an employee has worked the minimum 1,250 hours is determined according to the principles established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work.

#### **Section 4-6-4 Leave Entitlement**

- A. Eligible employees, other than employees qualifying for leave to care for a covered service member with a serious injury or illness, shall be granted up to a total of 12 weeks of unpaid FMLA leave within any 12-month period.
- B. Eligible employees qualifying for leave to care for a covered service member with a serious injury or illness shall be granted up to a total of 26 weeks of unpaid FMLA leave during a single 12-month period.
- C. Married employee couples may be restricted to a combined total of 12 weeks unpaid FMLA leave within any 12-month period for childbirth, adoption or placement of a foster child, or to care for a parent with a serious health condition.
- D. Married employee couples may be restricted to a combined total of 26 weeks unpaid FMLA leave within a single 12-month period to care for a covered service member with a serious injury or illness.

#### **Section 4-6-5 Qualifying Exigency Leave under the NDAA**

An eligible employee who has a spouse, son, daughter or parent who is a covered military member may take up to 12 weeks unpaid FMLA leave within any 12-month period for one or more of the following qualifying exigencies as defined by federal regulations.

- A. Short-notice deployment
- B. Military events and related activities
- C. Childcare and school activities

- D. Financial and legal arrangements
- E. Counseling
- F. Rest and recuperation
- G. Post-deployment activities
- H. Additional activities or events arising out of the covered military member's active duty or call to active-duty status provided that the Town and the eligible employee agree that the leave qualifies as an exigency and agree to both the timing and duration of the leave.

#### **Section 4-6-6 How FMLA Leave is Measured**

- A. Except for leave to care for a covered service member with a serious injury or illness, the Town uses a rolling 12-month period to calculate FMLA eligibility. Each time an employee uses FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.
- B. For leave to care for a covered servicemember with a serious injury or illness, the "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for the covered servicemember and ends 12 months after that date.

#### **Section 4-6-7 Use of Paid Leave**

- A. FMLA leave is unpaid leave, unless an employee uses paid leave balances during the FMLA leave period as described in this section. The Town requires employees to use all paid leave balances concurrently with approved FMLA leave before leave without pay is used, except that an employee may choose to retain a general leave or MTO leave balance of up to 40 hours. The use of paid leave time is subject to the leave policies set forth in this chapter.
- B. If an employee is receiving disability benefits such as workers' compensation, short-term disability, or long-term disability, the employee is not required to use his or her paid leave balances concurrently with approved FMLA leave.

#### **Section 4-6-8 Request for Leave**

- A. Eligible employees shall submit a request for leave to the Human Resources Department at least 30 days in advance of foreseeable FMLA-qualifying events.
- B. Eligible employees shall submit a request for leave to the Human Resources Department as soon as practicable for unforeseeable events or within no more than two working days after learning of the unforeseen need for FMLA-qualifying leave. An employee requesting

unforeseen FMLA leave has the obligation to comply with the Town's regular attendance and reporting requirements.

#### **Section 4-6-9 Medical Certification**

Employees requesting FMLA leave for their own serious health condition or for the serious health condition of a child, spouse, or parent or for the serious injury or illness of a covered servicemember are required to submit a medical certification form from a health care provider verifying the serious health condition, injury or illness and the need to provide care in the case of a serious health condition, injury or illness of an eligible family member. The medical certification shall include the expected beginning and ending dates of the leave. The Town shall allow the employee at least 15 calendar days to obtain the medical certification.

#### **Section 4-6-10 Certification for Qualifying Exigency Leave under the NDAA**

Employees requesting FMLA leave due to a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member shall provide certification describing appropriate facts regarding the qualifying exigency for which the leave is requested. The certification shall include information on the type of qualifying exigency for which leave is requested and any available written documentation that supports the request for leave. The certification shall also include the expected beginning and ending dates of the leave. The first time an employee requests leave for a qualifying exigency, the employee shall also be required to provide a copy of the covered military member's active-duty order or other documentation issued by the military which indicates that the covered military member is on active duty or call to active-duty status in support of a contingency operation, and the dates of the covered military member's active-duty service.

#### **Section 4-6-11 Designation of Leave as FMLA Leave**

In all circumstances, it is the Town's responsibility to designate leave, paid or unpaid, as FMLA-qualifying, and to give notice of the designation to the employee. If the employee's leave request gives the Town sufficient reason to consider the leave as FMLA-qualifying, the Town shall designate the leave as FMLA and inform the employee of the designation within five business days after receiving the employee's request for leave.



### **Section 4-6-12 Key Employees**

In certain circumstances, job restoration may be denied to “key” employees. Key employees, generally, are salaried employees who are among the highest paid 10 percent of employees at a facility. Key employees will be notified of such status at the time of the leave.

### **Section 4-6-13 Intermittent Leave**

Under some circumstances, employees may take FMLA leave intermittently, by taking leave in blocks of time or by reducing their normal weekly or daily work schedule.

- A. Employees requesting intermittent FMLA leave for a serious health condition or to care for a family member with a serious health condition or to care for a covered service member with a serious injury or illness shall provide a medical certification from a health care provider to the Human Resources Department documenting the medical necessity for such leave.
- B. Employees requesting intermittent FMLA leave for a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member shall provide an estimate of the frequency and duration of the qualifying exigency and an explanation regarding the necessity for such leave.
- C. An employee is not guaranteed intermittent FMLA leave for childbirth, adoption or placement of a foster child. Such leave may be taken only upon approval by the Town.
- D. The employee must attempt to schedule intermittent leave in a manner that does not unduly disrupt the Town’s operations.
- E. The Town may temporarily transfer an employee on intermittent leave to a different position with equivalent pay and benefits if another position would better accommodate the employee’s intermittent leave schedule.

### **Section 4-6-14 Maintenance of Group Health Plan Benefits**

- A. Subject to the terms, conditions and limitations of the applicable group health insurance plans, the Town of Prescott Valley shall maintain group health plan benefits, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.
- B. An employee who is on paid FMLA leave via the use of paid leave balances shall continue to pay his or her share of the group health plan insurance premium, if any, through payroll deductions.
- C. An employee who is on unpaid FMLA leave shall make arrangements with the Human Resources and Finance Departments to make payments for his or her share of the group health plan insurance premium, if any. If payment is more than 30 days overdue, the Town shall

provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

- D. The Town's obligation to maintain group health plan benefits under this section stops if and when the employee informs the Town of an intent not to return to work at the end of the leave period or if the employee fails to return to work when the FMLA leave entitlement is exhausted. In some circumstances, the Town may recover its share of premiums it paid to maintain group health plan insurance coverage for an employee who fails to return to work from FMLA leave.

#### **Section 4-6-15 Maintenance of Other Benefits**

- A. The Town has no obligation to maintain insurance and other benefits, such as life insurance or disability insurance, that are not considered to be a "group health plan", while an employee is on FMLA leave. The Town will meet its responsibilities to provide equivalent benefits to the employee upon return from FMLA leave.
- B. An employee who is on paid FMLA leave via the use of paid leave balances shall continue to pay his or her share of any non-group health plan insurance premiums through payroll deductions.
- C. An employee who is on unpaid FMLA leave must make payment arrangements with the Human Resources Department for his or her share of any non-group health plan insurances premiums. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of non-group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due.

#### **Section 4-6-16 No Break in Service**

The use of FMLA leave is not considered a break in service for purposes of determining seniority or leave accrual rates.

#### **Section 4-6-17 Additional Leave**

- A. If the employee is unable to perform the full essential functions of his or her position, with or without a reasonable accommodation, at the conclusion of the FMLA leave period, or if the employee needs additional time to care for a child, spouse or parent with a serious health condition or a covered servicemember with a serious injury or illness, the employee may request administrative leave for medical purposes pursuant to *Policy 4-7 Administrative Leave*.
- B. The Town may require updated medical certifications to support the need for additional leave.
- C. The Town is not obligated to grant administrative leave for medical purposes but will review the request taking into consideration the Town's operational needs and staffing requirements.

#### **Section 4-6-18 Return to Work**

- A. Employees returning from FMLA leave generally have the right to return to their same position or an equivalent position, with equivalent pay, benefits and working conditions at the conclusion of the leave, unless the employee informs the Town of an intent not to return from leave or the employee fails to return from leave or continues on a leave after exhausting his or her FMLA leave entitlement in a 12-month period.
- B. An employee on FMLA leave shall provide the Human Resources Department with at least two days' advance notice of the date the employee intends to return to work.
- C. An employee on FMLA leave for the employee's own serious health condition shall provide a certification of fitness to return to work from a health care provider to the Human Resources Department prior to or immediately upon returning to work. If the employee does not provide the certification, the Town may delay restoring the employee to employment until the certification is provided. If any work restrictions are specified, the provisions of these Human Resources Policies and Procedures related to alternative work assignments/light duty may apply.
- D. A key employee who has been notified that restoration to employment will cause substantial and grievous economic injury to the Town's operations may still request reinstatement at the end of the leave period. The Town shall then make a final determination as to whether reinstatement will cause substantial and grievous economic injury, based on the facts available at the time the employee requests restoration. If the Town determines again that substantial and grievous economic injury will result, the Town shall notify the key employee in writing of the denial of restoration.

## **Section 4-6-19 Termination of Employment**

- A. If an employee is unable to perform the full essential functions of his or her position, with or without a reasonable accommodation, at the conclusion of the FMLA leave and a request for administrative leave for medical purposes has been denied, or the employee has been unable to perform the full essential functions of his or her regular position, with or without a reasonable accommodation, for greater than 12 months in a 24-month period, the Town may initiate separation of employment. For the purpose of tracking leave time, 12 months will be measured based on 2,080 hours for full-time employees and pro-rated for part-time employees.
- B. If an employee voluntarily resigns his or her position before returning from FMLA, health insurance benefits are subject to COBRA law.
- C. If an employee fails to report to work at the conclusion of the FMLA leave period and has not submitted a written request to use other forms of leave, the employee is considered to have resigned.
- D. Employees have no greater rights while on FMLA leave or upon their return from FMLA leave than they would have had if they had continued to work. For example, an employee may be affected by a layoff, termination, or other job change if the action would have occurred had he or she been actively at work.

## **Section 4-6-20 Reference**

- [Family and Medical Leave Act \(FMLA\) of 1993](#)

## **Policy 4-7 Administrative Leave**

The Town of Prescott Valley may provide administrative leave with or without pay to eligible employees as described in this policy.

### **Section 4-7-1 Eligibility**

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term- limited temporary employees.

#### **Section 4-7-2 Administrative Leave for Medical Purposes**

- A. Eligible employees who are either not eligible for FMLA leave or who have exhausted the FMLA leave period may request administrative leave for medical purposes for any of the reasons that are listed in *Section 4-6-1 Qualifying Reasons for FMLA Leave* of these Human Resources Policies and Procedures. Employees may not use administrative leave for medical purposes for exigencies related to the active duty or call to active duty of a covered military member, as defined in the FMLA and the NDAA.
- B. Eligible employees shall submit a written request for administrative leave for medical purposes to the Human Resources Department at least 30 days in advance of foreseeable events.
- C. Eligible employees shall submit a written request for administrative leave for medical purposes to the Human Resources Department as soon as practicable for unforeseeable events or within no more than two working days after learning of the unforeseen need for administrative leave for medical purposes. An employee requesting unforeseen administrative leave for medical purposes has an obligation to comply with the Town's regular attendance and reporting requirements.
- D. Requests for administrative leave for medical purposes must be accompanied by a medical certification from a health care provider documenting the medical necessity for and expected duration of the leave.
- E. The Human Resources Department shall review the request for administrative leave for medical purposes with the employee's Department Director and General Manager, where applicable. In considering the leave request, the Town shall consider the impact on the Town's operations and staffing requirements.
- F. The Human Resources Department, in consultation with the Department Director may grant administrative leave for medical purposes in increments of up to 90 days at a time, provided that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, does not exceed the equivalent of 12 months in any 24-month period. For the purposes of tracking leave time, 12 months will be measured based on 2,080 hours for full-time employees and pro-rated for part-time employees and includes any FMLA leave taken within that period.

#### **Section 4-7-3 Maintenance of Benefits**

An employee who is on leave and using donated leave shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.

#### **Section 4-7-4 Leave Accrual**

- A. An employee who is on leave and using donated leave shall not accrue any general leave during the leave period.
- B. An employee who is on leave and using donated leave at the beginning of a calendar year shall still receive the full allotment of MTO leave for which they may be eligible.

#### **Policy 4-8 Leave Donation (Emergency General Leave Bank)**

The Town provides employees the voluntary, confidential option to donate accrued general leave to an emergency general leave bank. Eligible employees may receive contributions of general leave from the Emergency General Leave Bank as outlined in this policy if the employee is unable to return to work due to his or her own serious health condition or the serious health condition of a family member as defined in this policy.

#### **Section 4-8-1 Definitions**

- A. For purposes of this policy, “serious health condition” shall be defined as set forth in *Policy 4-6 Family and Medical Leave*.
- B. For purposes of this policy, “family member” shall be defined as set forth in *Policy 4-6 Family and Medical Leave*.

#### **Section 4-8-2 Eligibility**

- A. The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term-limited temporary employees.
- B. To be eligible to receive and use donated leave, employees must meet all of the following criteria:
  - 1. Be on approved FMLA leave for medical purposes.
  - 2. Have exhausted all paid leave balances that the employee is eligible to use.
  - 3. Have applied for any other available compensation and benefits that the employee may be eligible to receive under disability insurance coverage provided by the Town, such as workers’ compensation and short- and long-term disability.
- C. Eligible employees shall not be permitted to use donated leave if they have been unable to perform the full essential functions of their position, with or without a reasonable accommodation, for a period of time equivalent to 12 months in a 24-month period. For

purposes of tracking leave time, 12 months will be measured based on 2,080 hours for full-time employees and pro-rated for part-time employees.

### **Section 4-8-3 Emergency Leave Bank Donations**

Under certain circumstances and on a limited basis, employees are permitted to donate up to 40 hours accrued general leave during any announced donation period to the emergency general leave bank but no more than 80 hours in any 12-month period.

- A. Once accrued general leave time is donated it cannot be reclaimed by the employee who donated it.
- B. No employee may donate an amount that would reduce their personal general leave balance below 40 hours or that is above their maximum leave pay out at the time of separation.
- C. The Emergency Leave Donation Form is available at:  
<https://www.prescottvalley-az.gov/DocumentCenter/View/18531/General-Leave-Donation-Form-PDF>
- D. The Human Resources Department will review the leave donation form to ensure that the donation complies with the provisions of this policy.

### **Section 4-8-4 Recipients**

- A. Employees are eligible to apply for emergency general leave on the first of the month following 30 days of employment for qualifying absences expected to extend beyond 14 calendar days. Leave would typically work in conjunction with and run concurrently with the employee's leave under the Family Medical Leave Act.
- B. It is the sole responsibility of the employee to request donated leave and submit the required documentation to the Human Resources Department for approval. The Emergency Leave Application Form is available here:  
<https://www.prescottvalley-az.gov/DocumentCenter/View/18532/Emergency-Leave-Application-Form-PDF>
- C. No emergency general leave hours will be paid retroactively and not until the employee has been absent for more than fourteen (14) calendar days and has exhausted all of their accrued general leave; thereafter, the employee will be paid on a week-to-week basis. The maximum number of emergency general leave hours an employee may withdraw per week is based on the difference between the employee's normal work hours and any compensation received from other insurance (up to 11 weeks) subject to a maximum of 220 hours per 12-month period except in extenuating circumstances or until long-term disability commences. Recipients of

donated leave do not accrue general leave until they return to work and will return to work with a zero general leave balance.

- D. Providing that the maximum number of hours has not been reached, an employee may continue to access emergency leave assistance after returning to work (either on a part-time or full-time basis) if the employee has intermittent absences related to the same catastrophic illness or injury.
- E. Employees seeking emergency leave assistance are prohibited from soliciting donations. Hours donated are not accepted for specified individuals but placed in the bank for use by any qualifying employees.
- F. The Town Manager/designee reserves the right to deny any request to donate or access the emergency general leave bank, based on the individual circumstances involved.
- G. The receiving employee and the Town are under no obligation to repay any used donated leave to the donating employee.

#### **Section 4-8-5 Coordination with Other Payments**

The employee's pay shall not exceed the employee's normal weekly earnings through any combination of donated leave and other payments received by the employee, such as workers' compensation benefits or disability insurance payments. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.

#### **Section 4-8-6 Maintenance of Benefits**

An employee who is on leave and using donated leave shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.

#### **Section 4-8-7 Leave Accrual**

- A. An employee who is on leave and using donated leave shall not accrue any general leave during the leave period.
- B. An employee who is on leave and using donated leave at the beginning of a calendar year shall still receive the full allotment of MTO leave for which they are ordinarily eligible.



## **Policy 4-9 Group Benefits**

The Town provides group benefits coverage as determined by the Town Council for eligible employees. The Human Resources Department is responsible for implementation and administration of all group benefits and insurance plans. These benefits may change from time to time and are governed by master contracts or benefit plan documents that may also change from time to time. For this reason, if there is any conflict between the benefit descriptions contained here, and the summary plan descriptions and provider policies, the summary plan descriptions and provider policies shall govern in all cases.

### **Section 4-9-1 Group Insurance Coverage**

- A. For purposes of this policy “group insurance coverage” may include health, income protection and life insurance plans contributed to by the Town and employees.
- B. The Town contributes to the costs of group insurance coverage for full-time employees. The Town may also contribute to coverage for eligible dependents of these employees.

### **Section 4-9-2 Retirement Plans**

- A. The Town participates in the Arizona State Retirement System (ASRS), and the Public Safety Personnel Retirement System (PSPRS) for sworn police personnel. These retirement systems are governed by state law and the provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.
- B. Employees whose normal work week is 20 hours or more and who have met the eligibility requirements of the retirement plan are required to participate in ASRS or, where applicable, PSPRS or CORP.
- C. Retirement benefits accrue from both employee and employer contributions. The amount of the contributions is determined by state law.
- D. Employees are vested in accordance with the provisions of the retirement plan in which they are enrolled.
- E. If an employee terminates service without retiring, accrued contributions are refundable in accordance with the applicable plan’s rules and state law.

### **Section 4-9-3 Employee Assistance Program**

- A. The Town provides an employee assistance program (EAP) to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, term-limited temporary employees, and short-term temporary employees.
- B. When an employee voluntarily seeks assistance from the EAP, confidentiality is maintained. The Town will not be informed that help has been sought unless the employee requests that the information be released.
- C. When stress or personal problems interfere with job performance, the Town will encourage and may require participation in the EAP in any of the following circumstances:
  - 1. When job-related and consistent with business necessity.
  - 2. As part of an employee work improvement plan or development plan; or
  - 3. To deal with job-related performance issues.
- D. When participation is required, the EAP provider will maintain confidentiality and will only verify that the employee has participated as required by the Town.
- E. Use of the employee assistance program may be a condition of continued employment if the Town's drug and alcohol abuse policy is violated.
- F. No employee will have his or her employment or promotional opportunities jeopardized solely by participation in the EAP, nor will participation in the EAP protect the employee from disciplinary action for substandard performance or misconduct.
- G. Pursuant to [A.R.S. §38-673](#) the Town shall provide public safety employees (peace officers and firefighters) who are exposed to a Traumatic Event, as defined under [A.R.S. §38-673](#), at least twelve counseling sessions per year, with additional visits provided if the licensed mental health professional determines that additional visits are necessary. Employees may choose to file the incident as a Workers' Compensation claim, seek counseling through the Town's EAP provider, or select a provider of their choice.

### **Policy 4-10 Workers' Compensation**

Under Arizona law, it is mandatory for employers to secure workers' compensation insurance for their employees. Workers' compensation is a "no fault" system in which an injured or ill employee may be entitled to receive benefits for a job-related injury or illness, no matter who caused the injury or illness. If an illness or injury is job-related, then the injured employee is eligible to receive medical benefits and may receive temporary compensation and/or other workers' compensation benefits, if eligibility requirements are met.

The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

#### **Section 4-10-1 Reporting Requirement**

- A. Employees shall immediately report any job-related accident, illness or injury, regardless of severity, to their immediate supervisor. If the employee's immediate supervisor is not available, or if the employee's immediate supervisor is the employee's Department Director, the employee shall report the accident, injury or illness to the employee's Department Director.
- B. The employee's supervisor or Department Director shall ensure that the accident, injury, or illness is reported to the Human Resources Department no later than the next business day.
- C. In addition, employees shall follow the reporting procedures established by the Human Resources Department, to include completing and submitting any required forms.

#### **Section 4-10-2 Determination of Compensability**

The Town's workers' compensation carrier will determine compensability for job-related injuries and illnesses.

#### **Section 4-10-3 Use of Leave**

- A. On the day of the accident, injury or illness, the employee will not be required to use General Leave for an absence that is a direct result of the accident, injury or illness. Time spent during the workday addressing the accident, injury or illness, such as seeking medical attention, shall be treated as time worked. The employee will not be paid wages for any time spent addressing the accident, injury or illness outside the employee's scheduled workday.
- B. Beginning with the first workday following the day of the accident, injury or onset of illness, the employee may use any leave balances for absences related to the accident, injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.
- C. If the employee used leave balances for time lost and the workers' compensation carrier then provides retroactive compensation benefits for lost wages, the Town shall reimburse the employee's leave balances in the appropriate amount and type of leave for the time lost that is retroactively paid through compensation benefits. The Town will correct the overpayment to the employee in the next regular pay cycle or cycles by reducing the employee's hours paid by the Town.

- D. The employee's pay shall not exceed the employee's normal weekly earnings through any combination of workers' compensation benefits, paid leave and other payments received by the employee. If the combination of payments results in the employee being paid more than his or her normal weekly earnings, the Town shall require the employee to reimburse the Town for the overpayment.
- E. When an employee with a job-related injury or illness returns to work, the employee must use approved leave for absences due to medical appointments, including physical therapy, for the job-related injury or illness. Any request to use paid leave balances will be considered in accordance with the leave policies set forth in this chapter.

#### **Section 4-10-4 Maintenance of Benefits**

- A. An employee who uses paid leave balances to supplement compensation benefits for lost wages due to a job-related injury or illness shall continue to pay his or her share of any group health plan and other insurance premiums through payroll deductions.
- B. An employee who does not use paid leave balances to supplement compensation benefits for lost wages due to a job-related injury or illness shall make arrangements with the Human Resources Department to make payments for his or her share of any group health plan and other insurance premiums. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan or other premiums in order to maintain coverage, the Town may require the employee to reimburse the Town. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.

#### **Section 4-10-5 Coordination with the Supplemental Benefits Plan**

If any of the provisions of this policy conflict with the provisions of *Policy 4-11 Supplemental Benefits Plan* the provisions of the supplemental benefits plan shall govern.

#### **Section 4-10-6 Miscellaneous**

- A. A job-related injury or illness may also be considered a "serious health condition" under the Family and Medical Leave Act (FMLA). In such cases, the Town will designate the employee's absence as FMLA-qualifying, will give notice of the designation to the employee and the FMLA provisions described in these Human Resources Policies will apply.

- B. An employee returning from leave following a job-related injury or illness shall provide a certification of fitness to return to work from a health care provider to the Human Resources Department prior to or immediately upon returning to work. If the employee does not provide the certification, the Town may delay restoring the employee to employment until the certification is provided.

## **Policy 4-11 Supplemental Benefits Plan**

### **Section 4-11-1 Definition**

Employees whose work-related injury occurred on or after August 12, 2012 and who have qualified for and are receiving Worker's Compensation benefits may be eligible to receive the equivalent of their normal rate of pay as described below when physically unable to return to work for the Town in any capacity, including temporary transitional work (i.e. light duty assignments) as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town directly or through its Worker's Compensation insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work temporary light duty assignments, must be supported by appropriate medical documentation for the employee to remain eligible for Worker's Compensation and the Town's supplemental benefit pay (SBP).

### **Section 4-11-2 Compensation**

When a full-time employee must miss work due to an on-the-job injury or illness, the employee shall receive 100% of their salary, less taxes, all voluntary deductions on the part of the employee, and any Worker's Compensation lost-wages pay until the employee is released to return to their regular job, temporary light duty, or for six (6) months from the date the employee receives their first Worker's Compensation lost-wages payment, whichever period is shorter. During this time the employees' general leave bank will be maintained to neither increase nor decrease.

When a regular part-time or temporary/seasonal employee must miss work due to an on-the-job related injury or illness, the employee will not receive any compensation in addition to Worker's Compensation benefits paid. Upon qualifying for Worker's Compensation lost wages pay an employee may use other earned time off to supplement Worker's Compensation pay by agreeing to endorse Workers Compensation payments to the Town. Such supplemental pay, when combined with Workers Compensation pay, shall not exceed one hundred percent (100%) of an employee's regular base salary. Upon exhaustion of all available paid time off, the employee will discontinue endorsement of Worker's Compensation payments to the Town and Workers Compensation benefits will continue per the plan guidelines.

### **Section 4-11-3 Eligibility**

Compensation shall not be paid for the first seven (7) calendar days after an on-the-job related injury. If the incapacity extends beyond seven (7) days. Compensation shall begin on the eighth (8<sup>th</sup>) day after the injury. If the incapacity extends beyond two (2) weeks, compensation shall be computed from the date of the injury.

An employee may be eligible for payment of time lost on a regularly scheduled workday to attend a medical examination or treatment required by the Town or the Town's representative. Payment will not be made for any time spent with the medical provider in excess of the regularly scheduled workday. The employee must be working in an active or restricted duty status to be eligible for payment of lost time.

**Note:** During such periods of incapacity the Town will pay both the employer and employee contributions to the Arizona Public Safety Personnel Retirement System (PSPRS) based on the pre-injury salary without cost to the employee in accordance with A.R.S. §38-961. Proxy retirement payments to PSPRS are limited to the standard retirement contributions and do not include any service purchase or other agreements.

### **Section 4-11-4 Application Procedures**

- A. To apply for the supplemental benefits plan, an employee must submit a written request to the Human Resources Department on a form provided by the Human Resources Department.
- B. All requests must be received by the Human Resources Department within 14 calendar days of the employee's receipt of his or her first lost wage replacement benefit paid under workers' compensation. An employee's failure to submit a request within the timeframe established in this paragraph shall be construed as a waiver of any rights under A.R.S. §38-961 and this policy.
- C. The Human Resources Department shall review the employee's request and shall provide the employee with a written determination of benefits eligibility within 14 calendar days of receipt of the employee's request.
- D. If an employee is denied participation in the plan for any reason other than a determination by the Town's workers' compensation carrier that the employee is not eligible for workers' compensation benefits, he or she has a right to request review of the denial by filing a written request for review with the Human Resources Department within ten working days from receipt of the denial letter. The employee's request for review must state the reason for the request and facts that the employee wishes to have considered. The Human Resources Department shall forward the request for review to the Town Manager.
- E. The Town Manager shall render a written opinion affirming or denying the employee's eligibility within five working days of receipt of the employee's request for review. The Town Manager's decision is final and not appealable within any Town process.

- F. If an employee is denied participation in the plan due to a determination by the Town's workers' compensation carrier that the employee is not eligible for workers' compensation benefits, the employee may appeal that decision through the procedures established by the workers' compensation carrier and state law.

#### **Section 4-11-5 Maintenance of Benefits**

- A. The Town shall maintain group health plan benefits for employees participating in the supplemental benefits plan on the same terms as if the employee continued to work. Thus, the Town shall continue to pay its share of any group health plan insurance premium and the employee shall continue to pay his or her share, if any.
1. The employee shall continue to pay his or her share of any group health plan benefits through payroll deductions if the employee is receiving sufficient compensation from the Town to cover his or her share of the premium.
  2. If the employee is not receiving sufficient compensation from the Town to cover his or her share of the premium, the employee shall make arrangements with the Human Resources Department to make payments for his or her share of the premium. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.
- B. While the employee is participating in the supplemental benefits plan, the Town shall pay both the employer and employee contributions to PSPRS, as applicable, based on the employee's pre-injury salary, unless the employee is no longer actively contributing to PSPRS. In such a case, the Town shall continue to pay the employer contribution to the employee's retirement system and the employee shall continue to pay the employee contribution.
- C. An employee participating in the supplemental benefits plan is responsible for paying for any elective health care plan deductions, health related optional deductions, optional life insurance deductions or any other optional, employee-elected benefits.

#### **Section 4-11-6 Paid Leave Balances**

- A. An employee shall not accrue or be allotted any additional General, MTO, or compensatory leave while the employee is participating in the supplemental benefits plan.

- B. An employee's MTO, General Leave, and compensatory leave balances shall not be decreased while the employee is participating in the supplemental benefits plan.
- C. If the employee used leave balances to supplement workers' compensation benefits for lost wages prior to being approved for the plan, the Town shall reimburse the employee's leave balances in the appropriate amount and type of leave for the time lost that is retroactively paid through the supplemental benefits plan. The Town will correct the overpayment to the employee in the next regular pay cycle or cycles by reducing the employee's hours paid by the Town.

#### **Section 4-11-7 Miscellaneous**

To the extent the employee is eligible for and receives salary or benefit changes while participating in the supplemental benefits plan, the plan benefits will be adjusted accordingly.

#### **Section 4-11-8 Reference**

- [Continuation of Health Coverage \(COBRA\) | U.S. Department of Labor \(dol.gov\)](#)
- [Health Insurance Portability and Accountability Act \(HIPAA\) | U.S. Department of Labor \(dol.gov\)](#)

### **Policy 4-12 Benefits Continuation/Cobra**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, as amended, provides that covered employees and their qualified beneficiaries may continue health insurance coverage under the Town's benefits plan when a "qualifying event" would normally result in the loss of eligibility. The Town shall follow all applicable federal and state laws in determining what constitutes a qualifying event.

The provisions of this policy are not intended to conflict with or supersede federal or state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal or state law, federal or state law shall control.

#### **Section 4-12-1 Payments**

Except as provided in this policy, employees or beneficiaries participating in COBRA benefits shall pay the full cost of coverage at the Town's group rates plus an administration fee as prescribed by federal law.



### **Section 4-12-2 Written Notification of Eligibility**

The Director of Human Resources shall ensure that each eligible employee and/or beneficiary receives written notification regarding COBRA rights and benefits in accordance with applicable federal and state laws.

## **Policy 4-13 Alternative Work Assignments/Light Duty**

Alternative work or light duty assignments are intended for employees with medically documented, temporary mental or physical illnesses or injuries sustained on or off the job who have work restrictions and who are expected to eventually return to unrestricted work. The Human Resources Department shall coordinate and administer all alternative work assignments for the Town, where feasible to do so.

The provisions of this policy are not intended to conflict with or supersede federal or state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal or state law, federal or state law shall control.

### **Section 4-13-1 Eligibility**

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term- limited temporary employees.

### **Section 4-13-2 Definitions**

- A. For purposes of this policy, “alternative work assignment,” “light duty” and “restricted duty” are used interchangeably and shall be defined as temporary work that is physically or mentally less demanding than the employee’s regular job duties. An alternative work assignment or light/restricted duty may include a reduction in full time equivalency, limiting or altering duties in the employee’s existing position, or temporarily reassigning the employee to another position which he or she is qualified and capable to perform.
- B. For purposes of this policy, “work restriction” shall be defined as a restriction that prevents an employee from performing the full scope of his or her job duties as outlined in the job description for the employee’s position.

### **Section 4-13-3 Procedures**

- A. When the Human Resources Department becomes aware that an employee has temporary work restrictions, the Human Resources Department will seek to offer the employee an alternative work assignment where available and feasible to do so, and consistent with the provisions of this policy.
- B. In order to be considered for an alternative work assignment, an employee must present a medical certification from a health care provider specifying work restrictions and the expected duration of the restrictions to the Human Resources Department.
- C. An employee may be placed in an assignment that is in a lower classification than the employee's regular job assignment; however, the employee's salary shall remain the same as it was in the employee's regular job assignment. Overtime, on-call/stand-by and call-out pay is not authorized for employees on light duty status.
- D. Under no circumstances will the Town create a position solely for the purpose of providing work for an employee who is eligible to return to work under a temporary work restriction. Alternative work assignments shall involve productive work that is both useful to the Town and achievable within the restrictions placed on the employee. If there is no alternative work assignment available for a particular employee, the employee shall remain on, or be placed on, an appropriate form of leave, pursuant to the policies set forth in this chapter.
- E. An employee who has previously been subject to work restrictions is required to inform the Human Resources Department immediately upon receiving a release to regular duty from a health care provider.

### **Section 4-13-4 Duration**

An initial alternative work assignment may have a duration of up to 90 days. Subject to applicable law, the Human Resources Department may extend an alternative work assignment in increments of up to 90 days at a time, provided that the extension does not constitute an undue hardship to the Town and there remains a reasonable expectation that the employee will return to his/her regular duties within a reasonable amount of time and that the total time the employee is unable to perform the essential functions of his or her regular position, with or without a reasonable accommodation, does not exceed the equivalent of 12 months in any 24-month period. For the purposes of tracking leave time, 12 months will be measured based on 2,080 hours for full-time employees and pro-rated for part-time employees. This policy is intended for temporary alternative work or light duty assignments. If an employee wishes to request alternative work or light duty as a reasonable accommodation for a qualifying disability, please contact the Human Resources Department.

#### **Section 4-13-5 Interaction with Other Laws and Policies**

- A. An employee on FMLA leave is not required to accept an available alternative work assignment. The employee may continue on FMLA leave either until the employee is able to return to his/her job or an equivalent job, or until the 12-week FMLA leave entitlement is exhausted.
- B. An employee receiving workers' compensation benefits may forfeit the right to those benefits by refusing to accept an alternative work assignment, as determined by the Town's workers' compensation carrier.
- C. The Town will comply with the Americans with Disabilities Act (ADA) and applicable state law governing employees with disabilities.

#### **Section 4-13-6 No Right to Alternative Work Assignment**

If granted, alternative work assignments are a privilege and shall not be considered a right or entitlement. An employee in an alternative work assignment has no rights to that assignment or any tasks associated with that assignment no matter the duration of the alternative work assignment.

#### **Section 4-13-7 Miscellaneous**

- A. An employee in an alternative work assignment is subject to all rules, regulations, standards, policies and procedures of the Town and of the department to which the employee is assigned.
- B. Employees serving in alternative work assignments shall receive a formal performance appraisal document in accordance with the Town's normal performance management process. The appraisal shall address the employee's job duties and performance for the relevant time period, including the employee's job duties and performance in the alternative work assignment.
- C. Employees serving in an alternative work assignment within the same classification as their regular position are eligible for merit increases based on job performance and availability of funding.
- D. Employees serving in an alternative work assignment outside the classification of their regular position will be considered for merit increases on a case-by-case basis.

#### **Section 4-13-8 No Right of Appeal**

The decision of the Town to place or not to place an employee in an alternative work assignment is not subject to appeal or review under the human resources action review procedures set forth in

*Policy 5-7 Formal Human Resources Action Review Procedures* of these Human Resources Policies or under any other Town review/appeal process.

## **Policy 4-14 Civic Duty**

The Town encourages employees to fulfill their civic responsibilities as citizens and provides civic duty leave to eligible employees as described in this policy.

### **Section 4-14-1 Eligibility**

The provisions of this policy apply to all regular full- and part-time classified and unclassified employees, including those serving in an initial evaluation period, and term- limited temporary employees.

### **Section 4-14-2 Jury Duty**

- A. Eligible employees shall be granted up to ten days of paid jury duty leave during any rolling 12-month period. All other employees will receive unpaid time off for the period of jury duty.
- B. Employees shall provide a copy of the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.
- C. Eligible employees on jury duty shall be paid their regular base rate of pay provided that they submit any juror fee payments received from the court, excluding mileage and per diem payments, to the Finance Department. Employees may keep mileage and per diem payments.
- D. If an eligible employee is required to serve on jury duty beyond the period of paid jury duty leave, the employee may request to use General Leave for paid time off. Any additional period of time off due to jury duty will be unpaid.
- E. Employees shall report for work while on jury duty if they are excused from service during their regular working hours.
- F. A Department Director may ask the employee to request an excuse or postponement from jury duty if, in the Department Director's judgment, the employee's absence would create serious operational difficulties.

### **Section 4-14-3 Witness Duty**

- A. Employees who are subpoenaed to appear in court as a part of their regular job responsibilities are considered to be on duty while responding to the subpoena.

- B. Employees shall provide a copy of the subpoena to their supervisor immediately after it is received so that the supervisor may make arrangements to accommodate the employee's absence.
- C. Employees under subpoena shall be paid their regular base rate of pay provided that they submit any witness fee payments, excluding mileage and per diem payments, to the Finance Department. Employees may keep mileage and per diem payments.
- D. Employees under subpoena shall report for work if they are excused from service during their regular working hours.
- E. Employees who are called as a witness in a case unrelated to their official Town Duties or who are required to attend court on personal matters must charge the absence to General Leave or take leave without pay if no accrued leave is available.

#### **Section 4-14-4 Voting**

- A. Any employee eligible and registered to vote in any public election held within this state may request time off for voting. The employee must submit a leave request for voting prior to the election day.
- B. The employee may be absent for up to three hours with pay on the day of the election for the purpose of voting. The amount of leave the employee is eligible for shall be determined in accordance with state law, which requires that an employee have three consecutive hours in which to vote. Employees are not entitled to voting leave if they have three consecutive non-working hours in which to vote.
- C. A Department Director may specify the hours during which the employee may be absent for the purpose of voting.
- D. Employees are expected to vote at a time that minimizes impact on the department operations.
- E. An employee may be required to provide evidence of eligibility to vote prior to approval for time off.

#### **Policy 4-15 Infants at Work and Nursing Mothers**

The Infants at Work program supports the health and wellbeing of Town employees who are new mothers, fathers, or legal guardians by providing a positive work environment that recognizes a parent/caregiver's responsibility to both their job and their infant.

- A. Requests for an employee to have his/her newborn/infant on site during work hours may be approved on a case-by-case basis. Eligibility is subject to performance, job demands, and Department Director approval.

B. Key steps to the approval process include, but are not limited to:

1. Review of a work setting to ensure a safe environment such that the child may be under the visual supervision of his/her parent at all times.
2. Office space such that the infant is not subject to extreme temperature variations while on site.
3. Scheduling for the employee such that ‘*care breaks*’ to address infant needs aligns with work efficiencies for not only the employee, but all immediate colleagues.
4. The opportunity to review the effectiveness of the onsite infant care situation on a monthly basis with the option to discontinue as needed when it is in the best interest of all concerned.

Not all work environments or jobs are appropriate for this type of arrangement. In certain situations, alternative assignments may be considered while the infant is at work, or a temporary virtual office assignment may be put in place.

- C. Written permission must be obtained from the employee’s Department Director in advance of the employee bringing the infant to work. Where approval is granted, the employee will maintain acceptable work performance and ensure that the infant does not create office disturbances. If problems arise and cannot be resolved, the Town reserves the right to terminate the approval. Participation in the Infant at Work program is a privilege, not a right.
- D. The employee is responsible for the safety of the infant and will remain with the infant at all times. Asking a co-worker to look after the infant is prohibited. The Town will not assume responsibility for any illness or injury the infant might sustain as a result of being at work or any work-related setting, or during transportation to and from work. Infants may not be transported in a Town vehicle.
- E. The employee will provide all supplies and equipment needed to care for the infant and will ensure that the work area is kept in a clean and sanitary condition.
- F. Breastfeeding mothers shall be provided with reasonable break times and an appropriate location to breastfeed/express milk. If possible, the lactation break time should run concurrently with any scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for non-exempt employees, unless the additional break time is taken by the employee as General leave.

## **WORK RULES AND EMPLOYEE DISCIPLINE**

### **Policy 5-1 Hours of Work**

Consistent attendance will enable employees to perform all assigned responsibilities and tasks to provide continuity of services to citizens and to facilitate teamwork and supervision. Attendance is an essential function of every Town position and shall be a consideration in determining promotions, transfers, possible comprehensive merit awards as well as continued employment with the Town.

#### **Section 5-1-1 Normal Work Week and Work Hours**

- A. The work week will generally consist of five days within a 40-hour week. Town Department Directors with approval of the Town Manager, may schedule work hours of employees to support Town offices remaining open at all required times.
- B. Most full-time employees will work during the core business hours of the Town, from 8:00 a.m. to 5:00 p.m. Monday through Friday, with one unpaid meal break each day. Normal work schedules may be adjusted from time to time at the discretion of the Town to meet varying work conditions and applicable law.

#### **Section 5-1-2 Alternative or Flexible Work Schedules**

Alternative or flexible work schedules may be available depending on the position at issue and business needs. These schedules may change from time to time at the discretion of the Town to meet varying work conditions. Changes in work schedules will be announced as far in advance as practicable.

See Policy 4-13 Alternative Work Assignments/Light Duty for details on medically required alternative work schedules.

#### **Section 5-1-3 Absences and Tardiness**

- A. Advance notice of all absences is expected. Employees shall provide notice of scheduled absences as far in advance of the absence as possible. Employees shall provide notice of unscheduled absences before the scheduled start of their workday. If the employee is physically unable to notify his or her supervisor within the time frame required by this policy, the employee shall provide notice as soon as possible.
- B. Advance notice of anticipated tardiness is expected. Employees shall provide notice of anticipated tardiness as far in advance of the tardiness as possible. Employees shall provide notice of unanticipated tardiness as soon as possible. The employee's supervisor shall

determine if work time lost due to tardiness may be made up by the employee or if the employee will be required to use accrued leave balances or take leave without pay. If authorized by the employee's supervisor, the employee may make up work time lost due to tardiness only during the work week in which it occurs.

- C. Notification of an unscheduled absence or tardiness by another employee, friend or relative is not considered proper except in an emergency where the employee is physically unable to make the notification.
- D. Generally, employees are expected to speak with their direct supervisor regarding an unscheduled absence or tardiness within the timeframes provided by this section.
- E. Poor attendance and frequent tardiness are disruptive to the provision of Town services and may lead to disciplinary action, up to and including termination of employment.

#### **Section 5-1-4 Meal Breaks and Rest Breaks**

- A. Town employees who are considered non-exempt under the Fair Labor Standards Act (FLSA) and who work a regular 8-hour workday will normally receive a minimum of one 30-minute unpaid meal break. However, due to operational needs the Department Director, in his or her sole discretion, may require an employee to engage in work during the employee's meal break, in which case the employee will be paid for all compensable time. The duration of meal breaks shall be determined by the Department Director. Meal breaks shall not be taken at the beginning or end of a work shift and cannot be combined with paid rest breaks.
- B. Town employees who are considered non-exempt under the Fair Labor Standards Act (FLSA) and who work a regular 8-hour workday may be granted paid rest breaks of short duration, from five to 20 minutes. Work demands may preclude the granting of a rest break; therefore, rest breaks shall be granted at the sole discretion of the appropriate supervisor or Department Director. Rest breaks shall not be taken at the beginning or end of a work shift and cannot be combined with meal breaks.

#### **Section 5-1-5 Leave without Pay**

- A. Employees are expected to responsibly use and manage their General Leave balances and maintain appropriate leave balances for their use.
- B. A leave without pay for time off in excess of the employee's General Leave balance is inconsistent with the general needs and requirements of the Town, unless the leave is provided for by these Human Resources Policies and Procedures or is otherwise required or protected by law.



- C. Employees may request leave without pay by submitting a leave request to the Department Director. Requests for leave without pay shall be submitted as far in advance of the requested leave as possible.
- D. Requests for leave without pay will only be granted in emergencies or in extenuating circumstances. Leave without pay must be approved in writing by the Department Director, in consultation with the Director of Human Resources or designee. Requests may be denied at the discretion of the Department Head in consultation with the Director of Human Resources.
- E. The decision to deny leave without pay is not subject to review under the human resources action review procedures set forth in Chapter 5 of this policy handbook, WORK RULES AND EMPLOYEE DISCIPLINE, or within any other Town policy or procedure.

### **Section 5-1-6 Reference**

- [Fair Labor Standards Act](#)

## **Policy 5-2 Human Resources Files**

The Human Resources Department maintains an official individual file and a separate medical file for each employee. The individual file contains documentation regarding all aspects of the employee's tenure with the Town, such as employment history, performance goal accomplishments, as well as disciplinary action notices. The medical file contains documentation such as employee benefits elections and medical leave information.

### **Section 5-2-1 Official Individual Employee Files**

- A. The Human Resources Department is responsible for maintaining official individual employee files and must approve materials for inclusion in these files.
- B. An employee may submit a written statement for inclusion in his/her official human resources file if he or she believes that any of the included materials requires correction and/or clarification.

### **Section 5-2-2 Department Human Resources Files**

- A. The employee's current department may also maintain individual files regarding each employee's tenure with the department. If maintained, the department individual file may contain the following items:

- a. Name
  - b. Emergency contact information
  - c. Human Resources Action Forms and supporting documentation.
  - d. Performance goal accomplishment documents
  - e. Documents of all formal disciplinary actions and grievance/appeal actions not alleging discrimination
  - f. Outside employment documents
  - g. Employment application(s)
  - h. Employee time and leave records.
  - i. Education reimbursement application forms
- B. Employees may provide work-related documents, such as letters of commendation, school transcripts, and updated resumes for inclusion in his/her individual official or department file.
- C. When an employee leaves Town employment or transfers to a new department, any existing department files should be sent to the HR Department for retention.

### **Section 5-2-3 Access to Individual Employment Files**

- A. Official and department employee files shall be kept confidential except as required by law. During the normal course of employment, only the following individuals shall be permitted access to individual employment files and employment records:
- 1. Authorized staff within the Human Resources Department
  - 2. The Town Manager or designated administrator
  - 3. The Town Attorney or designated attorney
  - 4. The employee or the employee's designated representative who has written authorization from the employee.
  - 5. State and federal auditors or law enforcement authorities in the course of their duty, when required, and only after presentation of proper identification and notification of audit or investigation.
  - 6. The employee's current or prospective Department Director or designee
- B. Except as otherwise required by law or emergency situations, access to official and department employment files under this section shall only be permitted during normal working hours.

#### **Section 5-2-4 Updating Human Resources Files**

- A. Department Directors are responsible for forwarding documents to the Human Resources Department for inclusion in the official individual files of those employees assigned to their department.
- B. Employees should promptly notify their supervisor or the Human Resources Department of any changes in name, telephone number, home address, marital status, number of dependents, beneficiary designation, scholastic achievements, emergency contacts and other similar information.
- C. Employees may inspect their official employment file upon request. A Human Resources Department representative must be present when a file is reviewed.

#### **Section 5-2-5 Records Release**

- A. Individual employment records of public employees are considered public records. Upon receipt of a proper public records request, records that are not made confidential by law may be released to the extent required by Arizona's public records law, A.R.S. § 39-121 et seq.
- B. Employment records may be released pursuant to a valid subpoena or court order.
- C. Employee names, dates of service, positions held, and compensation may be released without legal inquiry.
- D. In the absence of a public records request, subpoena, or court order, other information contained in an employee's individual file will only be released with the express written permission of the employee.

#### **Policy 5-3 Personal Appearance**

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the organizational image the Town presents to the general public. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Department Directors are responsible for determining and enforcing the dress code for their respective areas of responsibility. Absent an undue hardship on the Town, the Town will seek to reasonably accommodate employee religious dress standards and grooming practices.

### **Section 5-3-1 Acceptable Attire**

Because of the changing nature of fashion, regulations pertaining to acceptable employee attire and grooming are flexible. There are, however, certain expected norms of professional appearance, of personal neatness, cleanliness and good grooming that are applicable to all employees.

- All clothing must be neat, clean and in good repair.
- Personal cleanliness and good personal hygiene are required.
- Revealing clothing that is sheer or cut inappropriately is not acceptable.

### **Section 5-3-2 Unacceptable Attire**

The Town reserves the right to advise any employee at any time that his or her grooming, attire or appearance is unacceptable. After having been advised, the employee shall make any changes required by his or her supervisor. Failure to do so may result in the employee's suspension without pay until corrective action by the employee is taken. Repeated lack of compliance may result in further disciplinary action, up to and including discharge.

### **Section 5-3-3 Employee Badge and Uniform Policy**

- A. Employees and volunteers will be issued both Town Identification Badges and Uniforms as required by individual department assignments.
- B. Identification (ID) Badges are used for positive identification of Town staff and volunteers to increase the safety of employees, volunteers, and citizens while at the same time protecting Town property, improving the security of Town facilities and enhancing customer service. Town uniforms are defined as any piece of clothing purchased by the Town and required by the Town and/or department to be worn when an employee or representative is on official Town business.
- C. This Employee Badge and Uniform Policy applies to all Town employees and representatives, whether paid or volunteer, with the exception of Police Department employees. All uniformed Police Department employees are covered under a separate Police Department policy found in the Police Department Policies and Procedures - Volume 3 - Management Rules and Procedures, "Uniforms and Personal Equipment."
- D. The Human Resources Department will provide all employees and volunteers an Identification Badge on the employee's first day of volunteer assignment and/or employment.
  - 1. Employees /Volunteers must wear their Identification Badge at all times (when at work on Town property or performing Town business) in a noticeable location with their picture and name visible. This does not include off-site training, conferences, or seminars.

2. The Identification Badge must be kept secure and maintained in good condition.
  3. Stickers, emblems, tape, pins, or other items are not to be affixed to any Identification Badge.
  4. If wearing an Identification Badge creates a safety issue, an employee or volunteer may request authorization from their supervisor to not wear the badge. However, any person who has been given an exemption must have their badge with them and be able to produce it upon request.
  5. An Identification Badge shall remain in the exclusive possession and/or control of the individual to whom it was issued. It shall not be given to any other individual for any purpose. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action, up to and including termination.
  6. Lost, stolen, damaged or destroyed identity cards and/or electronic access identification cards must be immediately reported to the employee's Department Director and to the Human Resources Department so that it can be replaced.
  7. Identification Badges are the property of the Town of Prescott Valley. Employees and volunteers must surrender their Identification Badge as requested and upon termination or completion of service to the Town.
- E. The Town will provide, at no cost to employees, a sufficient amount of uniform clothing and safety apparel for all employees who are required to wear uniform clothing and safety apparel as part of their Town duties and responsibilities. All employees who are required to wear uniform clothing as part of their duties and responsibilities will adhere to the following guidelines:
1. At all times Town employees are required to wear certain safety and identifying clothing as set forth in individual Departmental policies.
  2. A Town uniform, or any part of a Town uniform, is not to be worn for personal/private use.
  3. All uniforms and safety apparel will be clean and neat in appearance at the start of each work shift.
  4. All employees are prohibited from wearing a Town uniform or any part of the uniform after established work hours and may not enter into any adult entertainment establishment or business that would bring possible discredit to the Town or the employee while in an authorized Town uniform.
  5. All employees are prohibited from possessing or consuming alcoholic beverages at any time while wearing a Town uniform or any portion of a Town uniform.

6. All uniform items will be clearly marked with the Town logo and the name of the Town department.
  7. All Town uniforms and safety equipment must be left at an employee's work location daily unless otherwise agreed and approved by the Department Director.
  8. Uniforms purchased by the Town may have a tax consequence for employees.
- F. The issuance of uniforms will conform to individual departmental policies and depend upon available Town funds within the annual budget allocation.

*Non-Adherence to This Policy*

Any Town employee or volunteer representative who violates any of the above protocols may be subject to disciplinary action, up to and including termination. All employees are encouraged to discuss any questions and/or concerns that they may have about Town issued Uniforms and Employee Identification Badges with their immediate supervisor.

## **Policy 5-4 Travel**

The Travel Policy of the Town of Prescott Valley (Town) encourages and provides training and conference opportunities for employees and officials so that their services rendered to the Town shall be more effective. The purpose of this policy is to provide clear and consistent guidelines for travel advances and reimbursement of business-related expenses incurred by Town employees and officials while traveling to engage in Town business are governed by this policy. This policy is also to ensure that payments made by the Town are for actual and necessary expenses incurred for Town business.

- A. Travel expenses are one of the most scrutinized expenses (public and private) that the Town pays and are also heavily regulated by the Internal Revenue Service (IRS). The IRS allows payments for certain business and training travel to be made without being taxed to the employee if the organization maintains an "accountable plan." (See [IRS Publication 15](#)).
- B. The applicable IRS regulations must be followed to retain the Town's "accountable plan" status.
- C. All Town travel request forms will be routinely audited to ensure they follow proper Town guidelines and IRS regulations. Travel expenses submitted without receipts will not be reimbursed.
- D. All Town employees, contract staff and Council, board and commission members are expected to manage their travel expenditures consistent with applicable policies. In addition, the following restrictions should be noted:
  1. The Town will not reimburse for the purchase of alcoholic beverages.

2. The Town will not reimburse for expenses related to relatives or other non-Town individuals accompanying the employee/official.
3. Before a travel advance is issued, all previous outstanding advances must be cleared and reconciled through the Finance Division by the traveler using the appropriate format.

#### **Section 5-4-1 Travel Authorization**

All travel must be authorized with a Travel Request Form by the Department Director prior to the intended travel, except for same-day travel that incurs no expenses or only incurs registration expenses. Travel is allowed at the discretion of the Department Director.

The first choice for the method of transportation on Town business should be a Town fleet vehicle. This is the most economical means of in-state travel. If a Town vehicle is used, the Town will pay the actual cost incurred. Gas receipts must be provided when fuel is purchased for cash or on a personal credit card.

If a Town fleet vehicle is unavailable, an employee's personal vehicle may be used with approval by the Department Director. In this case, mileage reimbursement will be made at the rate allowed by the IRS.

Air coach transportation will be limited to an economy class commercial air carrier for out-of-state travel.

#### **Section 5-4-2 Vehicles, Milage, Insurance**

- A. Insurance Coverage - in accordance with the provisions of A.R.S. §41-621 the Town has determined that, in the best interest of the Town, an employee driving a privately-owned vehicle on Town business must have current vehicle insurance and a valid Arizona driver's license.
- B. To reduce the risk of injury, all travelers are to wear seat restraints at all times when riding in ground transportation on Town business. If a traveler is involved in an accident while traveling on Town business, they are to first seek medical attention if needed. If possible, they shall gather information about the incident such as names of persons involved and/or the police officer that was at the scene, etc. They shall then report the information to their Department Director and to the Town Manager.
- C. Employees are responsible for any and all traffic citations for traffic violations. Employees are also responsible for any damages or costs that may be caused by the employee as a result of unauthorized use of an assigned vehicle.

- D. The Town maintains the appropriate domestic car insurance coverage for its traveling employees. Therefore, employees should decline all insurance when entering into car rental agreements for business use within the US or Canada.
- E. Non-Town employees (guests) are not permitted to use/drive Town vehicles. Allowing guests to accompany Town employees/contract staff in a Town vehicle or in the employee's personal vehicle is permissible so long as the guests are part of the normal course of Town business. Employees are not permitted to use Town vehicles to transport family members or guests for personal reasons.
- F. Non-Reimbursable Insurance Expenses:
  - 1. Trip or personal accident insurance policies
  - 2. Personal automobile insurance or maintenance
  - 3. Damage to a traveler's personal vehicle that was used while on Town business.
  - 4. Personal medical expenses (should be submitted under traveler's own medical insurance)
  - 5. Theft, loss, or damage to personal luggage or property (should be submitted under the traveler's own insurance coverage).

### **Section 5-4-3 Town Vehicles, Milage, and Commercial Fare**

The first choice for the method of transportation on Town business should be a Town fleet vehicle. This is the most economical means of in-state travel. If a Town vehicle is used, the Town will pay the actual cost incurred. Gas receipts must be provided when fuel is purchased for cash or on a personal credit card.

If a Town fleet vehicle is unavailable, an employee's personal vehicle may be used with approval by the Department Director. In this case, mileage reimbursement will be made at the rate allowed by the IRS.

Air coach transportation will be limited to an economy class commercial air carrier for out-of-state travel.

### **Section 5-4-4 Advances**

- A. All travel advances, regardless of the amount, will be paid to Town employees through the accounts payable system as allowed in the current Travel Procedures: <https://www.prescottvalley-az.gov/DocumentCenter/View/18629/Travel-Procedures>
- B. The Travel Request Form, with appropriate authorizations, should be submitted to the Finance Division prior to the travel date (allowing for necessary processing time). All Travel Request



Forms must be reconciled and submitted to the Finance Division within 21 working days following the trip. Any employee with an outstanding travel advance must turn in his/her reconciled Travel Request Form before another travel advance can be issued.

#### **Section 5-4-5 Meals**

All Town employees traveling outside the Town limits on overnight travel shall be eligible to receive non-taxable reimbursement for meals under the conditions outlined in the Travel Procedures.

Town employees/officials requesting meal reimbursement for non-overnight travel will be allowed reimbursement within departmental budgets. However, the reimbursement of meals for non-overnight travel is considered a taxable fringe benefit by the IRS and will be reported accordingly on the employee's W-2.

#### **Section 5-4-6 Lodging**

All Town employees traveling outside the Town limits on overnight travel shall be eligible to receive reimbursement for lodging under the conditions outlined in the Travel Procedures. Reasonableness and economy should be exercised by the traveler in all cases.

Lodging arrangements must be made at the lowest, most reasonable rate for the Town traveler only. If the Town traveler has secured accommodations other than previously stated, it is the traveler's responsibility to pay the difference. Expenses for personal reasons occurring before or after necessary Town business will not be reimbursed (e.g., room expenses for arriving a day early for personal reasons).

#### **Section 5-4-7 Reimbursement and Miscellaneous Expenses**

All travel advances due to the Town should be receipted through the Town cashiering system no later than ten (10) working days after returning from the trip. All Travel Request Forms must be reconciled and submitted to the Finance Division within 21 working days following the trip (or department travel will be restricted).

Expenses for relatives accompanying an employee are not reimbursable.

Allowable reimbursements (e.g., rental cars, and parking fees) are detailed in, and will be reimbursed under the conditions outlined in the Travel Procedures.

## **Policy 5-5 Use of Communications Systems and Equipment**

Electronic mail (e-mail), voicemail, telephone, on-line subscriber services and the Internet are all information management and communications tools that are important parts of the way that the Town does business. Employees shall use these systems and associated equipment in an appropriate manner at all times.

### **Section 5-5-1 No Expectation of Privacy**

- A. All electronic storage and communication systems and equipment (including without limitation: facsimiles, copiers, computers, software and telephones) and all information transmitted by, received from or stored in these systems are the property of the Town.
- B. Employees should have no expectation of privacy regarding the use of these systems and equipment or the transmission, receipt or storage of information in these systems or equipment.
- C. The Town may monitor an employee's use of these systems and equipment at any time at its discretion. Such monitoring may include, but is not limited to monitoring, tracking, and review of all employee communications including all information created, stored, and disseminated using the Town's computer, network and telephone systems and all information viewed, downloaded, copied, sent, or processed using the Town's computer, network and telephone systems.

### **Section 5-5-2 Permitted Use**

The Town's communications systems and equipment shall be used primarily for Town business purposes associated with the performance of each employee's job. Any use of these systems for non-work-related purposes beyond limited incidental use, is prohibited.

### **Section 5-5-3 Prohibited Use**

Improper use of the Town's electronic storage and communications equipment is strictly prohibited. Improper use includes, but is not limited to, the following uses.

- A. Any communications which violate Town policy, including abusive, harassing, intimidating vulgar, obscene and offensive communications, communications that defame or libel others, and communications that infringe upon the privacy rights of others.
- B. Disparaging communications or jokes which are based on race, national origin, marital status, sex, sexual orientation, disability, age, religion, or any other characteristic protected under federal, state or local law.

- C. Communication of any copyrighted materials, trade secrets, proprietary information, or any other highly sensitive confidential information, except with management permission in the course of an employee's job.
- D. Solicitation of others for commercial ventures or religious, social, or political causes.
- E. Accessing, viewing, downloading, copying, or sending information that is illegal, sexually explicit or obscene.
- F. Using on-line services or the Internet to gamble or wager.
- G. Acts that damage, interfere with, or congest the Town's computer or network systems or interfere with the work of other employees.

#### **Section 5-5-4 Additional Employee Responsibilities**

- A. Employees shall maintain the secrecy of all passwords, identification numbers, or other means of entry onto the Town's computer systems and networks. The Town is the holder of all passwords, identification numbers, and other means of entry and no employee will use a pass code or voice mail access code that is unknown to the Town or that is not expressly authorized by the Town. The Town Manager may establish administrative directives regarding the establishment and use of passwords.
- B. Employees shall cooperate with authorized Town officials in any investigation involving the Town's electronic communications systems.
- C. Employees may load outside files from an acceptable and known source onto the Town's computer system. Employees shall obtain approval from the Technology Services Department for all other outside files prior to loading such files in the Town's computer system.
- D. Employees are prohibited from using Town computers/laptops to access social media sites unless directly related to performing job duties.

#### **Section 5-5-5 Software Copyright**

The Town purchases and licenses various computer software for business purposes and does not own the copyright to this software or its related documentation. Employees may not reproduce such software or use it on more than one computer unless authorized to do so by the software license agreement. Employees with questions or concerns regarding the use of software or its related documentation should contact the Technology Services Department.

## **Policy 5-6 Discipline System – Classified Employees**

Each supervisor shall have the responsibility and authority, with the approval of the Department Director and/or the Director of Human Resources, to administer appropriate discipline to subordinates using a positive progressive discipline process as a corrective measure.

### **Section 5-6-1 Progressive Discipline**

- A. Progressive discipline is an employee disciplinary system that provides a graduated range of responses to employee performance or conduct problems. The Town's discipline system includes a series of increasingly severe disciplinary actions, ranging from a corrective action memorandum to termination. However, this does not mean that every step in the graduated range of disciplinary actions will occur in an ordered sequence in every case.
- B. Progressive discipline is a general guideline for supervisors. The totality of the circumstances will dictate the appropriate level of discipline for each incident. Review of the particular facts and circumstances, such as the severity of the offense and an employee's disciplinary history, whether for the same type of offense or not, may indicate that more severe disciplinary measures, up to and including termination, are appropriate.
- C. All employees are subject to termination when, in the sole opinion of management, an employee's job performance or conduct threatens the well-being of the Town, its employees or its citizens, regardless of whether progressive discipline steps have been administered.

### **Section 5-6-2 Applicability**

- A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Town Code and these Human Resources Policies.
- B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Town Code and these Human Resources Policies. Unclassified employees and other at-will employees shall be held to acceptable standards of employee performance and conduct and may be subject to discipline. However, unclassified employees and other at-will employees do not have the same due process rights as those afforded to regular full- and part-time classified employees.
- C. Corrective Action Memorandum: A written memorandum to the employee documenting the reason for disciplinary action.
  - 1. The corrective action memorandum shall be given to the employee in a private meeting. The supervisor may have a witness present during this meeting.

2. The supervisor shall inform the employee that the supervisor is issuing a corrective action memorandum, that the employee is being given an opportunity to correct the issue(s) which led to the action, and that if the issue(s) is/are not corrected, the employee will be subject to further disciplinary action.
  3. The original corrective action memorandum shall be signed by the employee and placed in the employee's official individual employment file. If the employee refuses to sign acknowledging receipt of the corrective action memorandum, then the supervisor and one other witness shall note on the memorandum that the employee received a copy and refused to sign it. A copy of the correction action memorandum shall be given to the employee and included in the employee's department human resources file.
- C. Written Reprimand: A written notice to the employee documenting the reason for the disciplinary action.
1. The written reprimand shall be given to the employee and its contents shall be explained to the employee by the issuing supervisor in a private meeting. The supervisor may have a witness present during this meeting.
  2. The original written reprimand shall be signed by the employee and placed in the employee's official human resources file. If the employee refuses to sign acknowledging receipt of the written reprimand, then the supervisor and one other witness shall note on the reprimand that the employee received a copy and refused to sign it. A copy of the written reprimand shall be given to the employee and included in the employee's department human resources file.
- D. Suspension Without Pay: Involuntary time off with loss of pay. The number of days of suspension will depend on the severity of the infraction but shall not exceed thirty (30) working days.
- E. Demotion: A reassignment to a lower position classification. Demotion is not a substitute for dismissal when dismissal is warranted.
1. Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Human Resources Policies and Procedures are not considered to have been disciplined with a demotion. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the human resources action review procedures of this chapter.
- F. Reduction in Pay: A reassignment to lower pay within the same position classification. A reduction in pay is considered to be a final behavior correction opportunity.
1. No change in classification generally occurs as a result of a reduction in pay.

2. Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Human Resources Policies are not considered to have been disciplined with a reduction in pay. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the human resources action review procedures of this section.
  3. Assignments, transfers or reassignments, including those to or from lead positions or special positions, are not considered a reduction in pay for purposes of these Human Resources Policies.
- G. Termination: The involuntary, permanent removal of an employee from employment with the Town. The terms “termination” and “discharge” are sometimes used interchangeably in these Human Resources Policies. Termination does not include a layoff as defined in these Human Resources Policies.
1. Employees serving in an initial evaluation period either as a new hire or in a promotional position are at-will employees as defined in these Human Resources Policies. As such, during the initial evaluation period, employment may be terminated at any time, with or without notice or cause, for any reason not prohibited by law. The decision to terminate employment during the initial evaluation period for either a new hire or an employee in a promotional position is not subject to review under the human resources action review procedures set forth in this chapter.

### **Section 5-6-3 Imposed Leave**

- A. An employee may be placed on imposed leave with pay to remove the employee from the work site in order to allow the Town to investigate behavior that is suspected of being illegal, that is not in the best interests of the Town or that places other employees or citizens in jeopardy. Imposed leave shall ordinarily not exceed twenty-one (21) calendar days. An extension or extensions may be authorized if warranted.
- B. If the investigation reveals employee misconduct, disciplinary action commensurate with the nature of the offense shall be taken. Where authorized by applicable law, such disciplinary action may include, among other things, recovery of salary and benefits paid during the imposed leave.
- C. If the investigation reveals no employee misconduct, the employee will be restored to duty and a letter of exoneration will be placed in the employee’s official human resources file.

### **Section 5-6-4 Grounds for Disciplinary Action**

Grounds for disciplinary action, up to and including termination, include, but are not limited to, the following:

- A. Acceptance of fees, gifts or other valuable items in the performance of the employee's official duties for the Town.
- B. Acts of workplace violence, including violence or threats of violence in the workplace or against other employees or members of the public.
- C. Any action, on or off the job, bringing discredit to the Town.
- D. Being absent from work without permission or failure to timely report the absence to the supervisor or Department Director, unless otherwise protected by law.
- E. Being habitually absent or tardy, unless otherwise protected by law.
- F. Conviction of a criminal offense.
- G. Discrimination or harassment, including sexual harassment in violation of these Human Resources Policies.
- H. Dishonesty, including, but not limited to, intentionally giving false information, intentionally falsifying records or making false statements when applying for employment, lying to supervisors in connection with the employee's job or an investigation, giving false information or lying about the reason for an absence from work, or falsifying time entries or leave requests.
- I. Divulging or misusing confidential information, including removal from Town premises without proper authorization of any employee lists, records, designs, drawings or confidential information of any type.
- J. Failure to effectively supervise employees.
- K. Failure to maintain the minimum qualifications of the employee's position.
- L. Failure to uphold the Town's Values.
- M. Improper use of the Town's electronic storage and communications equipment.
- N. Inability to get along with fellow employees so that the work being done is hindered and not up to expected or required levels; making false accusations so as to discredit other employees or supervisors.
- O. Inability or unwillingness to perform the assigned job; failure to perform assigned work in an efficient or effective manner.
- P. Insubordination: failure to follow the orders of one's supervisor(s).
- Q. Making recordings of conversations or other activities in the workplace without authorization or explicit consent to the recording.
- R. Participation in prohibited political activities.
- S. Reporting to work under the influence of alcohol or drugs or using such substances while on Town property or other violation of the Town's Drug and Alcohol Free Workplace Policy.

- T. Theft or removal of Town money, merchandise, or property, including property in the custody of the Town, without permission.
- U. Unauthorized or unlawful possession of firearms, other weapons, or explosives in Town facilities or while on Town business.
- V. Use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a Town employee.
- W. Violation of any Town policies, administrative directives, or ordinances, or state or federal law.
- X. Violating safety rules and regulations; being wasteful of material, property or working time; failure to observe proper security or safety procedures.
- Y. Such other act, error or omission detrimental to the mission of the Town.

### **Section 5-6-5 Notice to Employee**

- A. Except in cases of gross misconduct, an employee to whom this Section 5-6 (Discipline System) policy applies shall receive twenty-four (24) hour written notice whenever the Town intends to take a disciplinary action resulting in termination, reduction in pay, demotion, or suspension without pay.
- B. Notice under this section is not required for other types of actions including, but not limited to, corrective action memoranda, written reprimands, imposed leave, layoffs, assignments, transfers, or reassignments, including those to or from lead positions or special positions. Notice under this section is also not required for those employees to whom this policy does not apply, as set forth in in *Section 5-6-2 Applicability*.
- C. The notice required under this section shall provide the following information:
  - 1. Notice of the intended disciplinary action and the proposed date of implementation.
  - 2. The reasons for the action.
  - 3. The date and time, not less than twenty-four (24) hours after the notice is given to the employee, of a pre-action meeting at which the employee may respond, verbally or in writing, to the written notice of intended disciplinary action.
- D. The original notice of intended disciplinary action shall be signed by the employee and placed in the employee's official individual employment file. If the employee refuses to sign acknowledging receipt of the notice, then the supervisor and one other witness shall note on the notice that the employee received a copy and refused to sign it. A copy of the notice shall be given to the employee and included in the employee's department file.



- E. Once an employee has been provided the notice required under this section, the employee may be placed on imposed leave under *Section 5-6-3 Imposed Leave* pending the pre-action meeting.

#### **Section 5-6-6 Pre-Action Meeting**

- A. The pre-action meeting is a meeting between the employee, the supervisor proposing the discipline and the Department Director. The Director of Human Resources/designee may also attend the meeting. The purpose of the meeting is to give the employee the opportunity to respond, verbally or in writing, to the written notice of intended disciplinary action.
- B. The employee may have a non-attorney co-worker of the employee's choosing present during the pre-action meeting. The co-worker may not speak on behalf of the employee and may only participate as an observer. The employee shall be permitted reasonable breaks of limited duration during the pre-action meeting to consult with the co-worker or others who are immediately available, telephonically or otherwise.
- C. Any relevant information presented by the employee during the pre-action meeting regarding the proposed disciplinary action shall be considered by the supervisor and the Department Director.
- D. Failure by the employee either to attend the pre-action meeting or to timely submit a written response to the notice of intended disciplinary action shall be deemed a waiver of the employee's right to do so and the proposed disciplinary action shall be implemented as written.

#### **Section 5-6-7 Disciplinary Decision**

After the pre-action meeting, the Department Director shall advise the employee in writing of the decision regarding the imposition of discipline. This decision will normally occur within ten business days of the pre-action meeting. The Director of Human Resources may authorize an extension of this decision timeframe with good cause shown by the Department Director. A copy of the written disciplinary decision shall be included in the employee's official human resources file.

### **Policy 5-7 Formal Human Resources Action Review Procedures**

#### **Section 5-7-1 Purpose**

The Town provides formal human resources action review procedures to provide an orderly procedure for resolving disciplinary actions that are subject to formal appeal.

### **Section 5-7-2 Applicability**

- A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Town Code and these Human Resources Policies.
- B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Town Code and Human Resources Policies.

### **Section 5-7-3 Sole Remedy**

This policy is the sole and exclusive internal remedy available to employees for resolving disciplinary actions that are subject to formal human resources action review.

### **Section 5-7-4 Disciplinary Actions Subject to Formal Human Resources Action Review**

Only the following disciplinary actions shall be subject to formal human resources action review under this policy:

- A. Termination
- B. Reduction in pay
- C. Demotion
- D. Suspension without pay for more than forty (40) hours in a rolling 12-month period.

### **Section 5-7-5 Employment Actions Not Subject to Formal Human Resources Action Review**

Only the disciplinary actions specifically listed in Section 5-7-4 are subject to formal human resources action review under this policy. The following are expressly not subject to formal human resources action review:

- A. Corrective action memoranda, written reprimands, and suspensions without pay for forty (40) hours or less in a rolling 12-month period.
- B. Termination during the initial evaluation period for either a new hire or an employee in a promotional position.
- C. Placement of an employee in, or the content or the structure of, the Town's classification plan.
- D. Placement of an employee in, or the content or structure of, the Town's salary plan.
- E. The content or structure of the Town's benefits programs.
- F. An employee's performance goals review.
- G. Extension of an evaluation period.

- H. Assignments, promotions, transfers, or reassignments, including those to or from lead positions or special positions.
- I. Municipal finance or budgetary issues.
- J. Layoffs.

#### **Section 5-7-6 Formal Human Resources Action Review Hearings**

The Town shall employ one or more hearing officers to conduct formal human resources action review hearings and to make recommendations to the Town Manager regarding the disciplinary action under review, all pursuant to the provisions of this policy. The Human Resources Department in collaboration with the Legal Department shall be responsible for procuring and contracting with hearing officers in accordance with the Town's procurement policies and procedures.

- A. To request a formal appeal hearing, the employee must file a written appeal with the Director of Human Resources within ten business days after the employee's receipt of a written disciplinary decision that is subject to formal appeal.
- B. The appeal shall be on a form provided by the Human Resources Department.
- C. Upon receipt of the employee's written appeal, the Director of Human Resources shall provide a copy of the appeal to the Town Manager, the Legal Department, the employee's Department Director and the hearing officer.
- D. If the Director of Human Resources determines that the employment action is not subject to formal appeal under this policy, the Director shall so inform the employee in writing within five business days of receiving the employee's request for appeal.

#### **Section 5-7-7 Scheduling of Hearing**

- A. Within 20 business days of the Director of Human Resources' receipt of the employee's written appeal, the Director of Human Resources shall set a date for a hearing.
- B. The hearing should take place within 60 business days of the Director of Human Resources' receipt of the employee's written appeal, unless the hearing officer is unable to hear the appeal within that time, or for other good cause.
- C. In no event shall the hearing take place later than one year from the date the Director of Human Resources receives the employee's written appeal.
- D. Hearings shall be conducted at a mutually agreed upon time and place that affords a fair and reasonable opportunity for all persons entitled to be present to attend.

### **Section 5-7-8 Notice of Hearing**

- A. The Director of Human Resources shall give written notice to the appealing employee and to the Town of the date, time and location of the hearing.
- B. The notice of hearing shall be provided to the parties at least 15 business days before the scheduled hearing.

### **Section 5-7-9 Pre-Hearing Exchange of Information**

- A. Within ten business days before the hearing, the Town and the appealing employee shall disclose to each other a list of the witnesses each anticipates calling at the hearing and any documents each anticipates presenting to the hearing officer that have not previously been disclosed.
- B. Within ten business days before the hearing, the Town and the appealing employee shall also disclose to each other the names, work addresses, and work telephone numbers of any individuals who will be acting as representatives for either party.
- C. Either party may request to interview the other party's witnesses prior to the hearing. Witnesses listed by either party may decide whether they wish to be interviewed prior to the hearing at their own discretion. Neither the Town nor the appealing employee shall interfere with any decision of a witness regarding whether to be interviewed prior to the hearing.
- D. The parties shall also comply with the provisions of A.R.S. title 38, chapter 8, article 1 where applicable.

### **Section 5-7-10 Town Employee Witnesses**

- A. A Town employee who is listed as a witness by either party and who has been notified in writing of the date, time and location of the hearing, shall appear at the hearing as directed. An employee's intentional and willful failure to appear as directed will result in disciplinary action, up to and including termination.
- B. The supervisor and/or Department Director of a Town employee directed to appear at a hearing as a witness shall allow the employee to attend the hearing as directed. A supervisor or Department Director who intentionally and willfully fails to allow an employee to attend a hearing pursuant to this policy shall be subject to disciplinary action, up to and including termination.
- C. Neither party shall be required to issue a formal subpoena to a Town employee who is listed as a witness. Written notice to the employee is sufficient to require the employee to appear.

## **Section 5-7-11 Subpoenas**

Pursuant to A.R.S. § 12-2212, the hearing officer may issue subpoenas to compel the attendance of witnesses and/or the production of documentary evidence. If any person fails to appear and/or produce a document in response to a duly issued subpoena, the hearing officer may, by affidavit setting forth the facts, apply to the Superior Court for relief.

## **Section 5-7-12 Hearings before the Hearing Officer**

### **A. General Rules**

1. The appealing employee shall appear personally before the hearing officer at the time and place of the hearing, unless the employee is physically unable to do so.
2. The hearing shall be of sufficient duration to allow adequate time for the matter to be presented.
3. The appealing employee may be represented by any person or attorney (other than the hearing officer or a Town employee) who is willing to represent the employee and who is not a witness or otherwise involved in the matter.
4. The Town may also be represented by an attorney or other representative acting on the Town's behalf.
5. The parties are individually responsible for their own attorney's fees, except that a law enforcement officer, as defined in A.R.S. § 38-1001(4), may request reasonable costs and attorney's fees under the provisions of A.R.S. § 38-1004(C),
6. Each party may call witnesses who were disclosed to the other party pursuant to this policy and who are believed to be relevant. Each party is responsible for securing the attendance of his or her own witnesses. The Town will make Town employees available for the hearing, if the identity of the Town employee/witness is timely disclosed pursuant to this policy.
7. In the absence of good cause, no witnesses or documents shall be considered by the hearing officer that were not disclosed during the pre-hearing exchange of information unless the party offering the evidence can show that the evidence was newly discovered and could not have been timely discovered and disclosed in the exercise of reasonable diligence, that the evidence was promptly disclosed when discovered, and that the evidence is crucial.
8. The hearing officer may, at his or her discretion, exclude certain witnesses or documents even if timely disclosed if the hearing officer finds such evidence to be irrelevant, cumulative, redundant, or overly inflammatory.

9. The hearing shall be limited to the specific cause(s) of the disciplinary action giving rise to the appeal.
10. The Town bears the burden of demonstrating just cause for the disciplinary action by a preponderance of the evidence.
11. The hearing shall be recorded by audio or video recorder, or by other mechanical or electronic means and/or by a court reporter.
12. The cost of a copy or copies of any transcription of the hearing, including preparation of the transcript, shall be paid by the party or parties ordering the copy or copies.
13. The appealing employee may submit a written request to the Director of Human Resources to withdraw the appeal at any time prior to the decision by the hearing officer.

#### B. General Conduct of the Hearing

1. The hearing officer shall call the hearing to order, introduce all parties, summarize the issues and relief requested, outline the hearing sequence, and swear in all witnesses.
2. The hearing shall be open to the public.
3. The hearing is informal, and the technical rules of evidence shall not apply. The hearing officer shall preside over the hearing in such a manner as will best ensure the receipt of reliable evidence and fairness for the parties within the general guidelines of these procedures. The hearing officer shall maintain appropriate decorum throughout the conduct of the hearing. The decisions of the hearing officer on the conduct of the hearing shall be final.
4. The hearing officer may, and at the request of either party shall, exclude prospective witnesses from the hearing during opening statements and the testimony of other witnesses. If witnesses are excluded from the hearing under this paragraph, the hearing officer shall also direct the witnesses not to communicate with each other until the closing arguments of both parties have concluded.

#### C. Default Decision

If, after receiving proper notice, the appealing employee or responsible Department Director or designee fails to attend or participate in the hearing within fifteen minutes of the time set for the hearing, the hearing officer may enter a default against the party failing to appear. The hearing officer may reconsider a default decision upon a party's submission to the hearing officer of proof of exigent circumstances within ten calendar days of the default decision.

#### D. Statements and Questioning of Witnesses

1. The Town or its representative may make an opening statement.

2. The appealing employee or the employee's representative may then make an opening statement. The employee or representative may reserve his or her opening statement until the close of the Town's evidence.
3. The Town shall present its case first, calling witnesses and presenting its evidence to establish the reasons for the employment action that is the subject of the appeal.
4. The appealing employee or the employee's representative may ask questions of the Town's witnesses after the Town has completed the questioning of each witness.
5. The Town may then ask further questions of its witness, limited to those areas raised in the appealing employee or representative's questioning of the witness.
6. After the Town's witness testifies and the appealing employee or representative and the hearing officer have had an opportunity to ask questions, the witness will be dismissed.
7. When all witnesses of the Town have been heard, the appealing employee/representative will present his/her witnesses and evidence, if any, in the same format. The Town may ask questions of the employee's witnesses after the appealing employee/representative has completed questioning the witness. The appealing employee/representative may then ask further questions of the witness, limited to those areas raised in the Town's questioning of the witness.
8. Rebuttal witnesses may be permitted to testify as the hearing officer determines appropriate.
9. The hearing officer may ask questions of a witness at any time.
10. After all witnesses have been questioned, the Town may make a closing argument. The appealing employee or representative may then make a closing argument. Because the Town has the burden of supporting its decision, the Town may make a second closing argument in rebuttal to the employee's closing argument.
11. Because the Town has the burden of supporting its decision, the appealing employee and/or representative will not be permitted to make a second closing argument.

#### **Section 5-7-13 Findings of the Hearing Officer**

- A. At the conclusion of the hearing, the hearing officer may take the matter under advisement pending completion of the hearing officer's formal findings.
- B. The findings of the hearing officer shall be in the form of an advisory opinion to the Town Manager. The hearing officer may recommend that the disciplinary action be upheld, overturned or modified.

- C. Within ten business days of the conclusion of the hearing, the hearing officer shall provide a written advisory opinion to the Town Manager. The opinion shall include the recommendation of the hearing officer regarding the disciplinary action and the reasons for the recommendation. The advisory opinion shall also be distributed to the appealing employee, the Director of Human Resources and the employee's Department Director.

#### **Section 5-7-14 Decision of the Town Manager**

- A. Within ten business days of receipt of the written advisory opinion of the hearing officer, the Town Manager shall render a written decision regarding the disciplinary action being appealed. The Town Manager may accept, modify, or reverse the recommendation of the hearing officer. The Town Manager's written decision shall be distributed to the appealing employee, the employee's Department Director and the Director of Human Resources.
- B. In reaching a decision, the Town Manager shall review the evidence and testimony presented to the hearing officer, and his or her decision shall be based upon the official record of the proceedings before the hearing officer. The Town Manager may seek legal advice during deliberation from an attorney or attorneys representing the Town; however, the Town Manager may not consult with any attorney who participated as an advocate for the Town during the proceedings before the hearing officer.
- C. If the Town Manager modifies or reverses the recommendation of the hearing officer, the Town Manager shall state in writing his or her reasons for modification or reversal.
- D. All decisions of the Town Manager are final and not appealable within any Town process.

#### **Section 5-7-15 Back Pay, Reasonable Costs and Attorney's Fees**

- A. If the Town Manager modifies or reverses the disciplinary action, the appealing employee shall receive back payment for wages and benefits lost, if any, as a result of the disciplinary action, subject to reduction for any wages actually earned by the employee during the time period in question, including any unemployment compensation that is not subject to repayment by the employee.
- B. If the Town Manager modifies or reverses the disciplinary action with respect to a law enforcement officer to whom the provisions of A.R.S. § 38-1004(C) apply, the law enforcement officer may also make written request to the hearing officer for reasonable costs and attorney's fees pursuant to the provisions of that statute. If necessary, the hearing officer may set a hearing to make findings as to the amount of the costs and attorney's fees, if any, to award to the appealing employee.



- C. Any hearing regarding costs and attorney's fees shall take place within 20 business days of the Town Manager's written decision and shall be conducted in compliance with the rules set forth in this policy.
- D. Within five business days of any hearing regarding costs and attorney's fees, the hearing officer shall render a written advisory opinion to the Town Manager. The opinion shall include the recommendation of the hearing officer regarding costs and attorney's fees and the reasons for the recommendation. The advisory opinion shall also be distributed to the appealing employee, the Director of Human Resources and the employee's Department Director.
- E. Within five business days of receipt of the written advisory opinion of the hearing officer, the Town Manager shall render a written decision regarding costs and attorney's fees. The Town Manager may accept or reject the recommendation of the hearing officer. The Town Manager's written decision shall be distributed to the appealing employee, the employee's Department Director and the Director of Human Resources.
- F. The decision of the Town Manager is final and not appealable within any Town process.
- G. Any award of costs and attorney's fees to a law enforcement officer shall be in compliance with the provisions of A.R.S. § 38-1004(C).

#### **Section 5-7-16 Miscellaneous Rules of Formal Human Resources Action Review**

- A. After an issue has been initially presented for review, neither party may, without good cause, add new allegations at a subsequent step.
- B. Time limits provided in these procedures may be extended to a date certain by mutual written agreement of the Town and the appealing employee.
- C. In the absence of good cause, the employee's failure to timely pursue any step in the appeal process shall result in the termination of the appeal process and the dismissal of any appeal, and the employment action shall stand.
- D. No discipline, retaliation, or threats of retaliation shall be taken against any employee, representative, witness or other participant, whether testifying or not, in these human resources action review procedures because of such participation. Such discipline, retaliation or threats of retaliation constitute grounds for disciplinary action, up to and including termination.
- E. All information obtained during the processing of a request for human resources action review will be maintained confidentially to the extent permitted by law. Information may be released pursuant to a public records request under the Arizona public records law, A.R.S. § 39-121 et seq.
- F. An employee seeking human resources action review under these procedures may be granted up to one hour of paid work time per day to spend preparing for his or her hearing.

- G. For pay and benefits purposes, time spent by employees in discussions with management or in testifying at a personnel hearing is considered time worked.
- H. Disciplinary actions subject to formal human resources action review may be resolved or settled at any step in the process.

## **Policy 5-8 Informal Human Resources Action Review Procedures**

### **Section 5-8-1 Purpose**

The Town of Prescott Valley provides informal human resources action review procedures for review of disciplinary actions that are not subject to formal human resources action review.

### **Section 5-8-2 Applicability**

- A. The provisions of this policy apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in Town Code and these Human Resources Policies.
- B. The provisions of this policy do not apply to unclassified employees or other at-will employees, as defined in the Town Code and these Human Resources Policies.

### **Section 5-8-3 Sole Remedy**

This policy is the sole and exclusive internal remedy available to employees for resolving disciplinary actions that are not subject to formal human resources action review.

### **Section 5-8-4 Disciplinary Actions Subject to Informal Human Resources Action Review**

Only the following disciplinary actions shall be subject to informal human resources action review under this policy:

- A. Corrective action memoranda
- B. Written reprimands
- C. Suspensions without pay for 40 hours or less in a rolling 12-month period.

## **Section 5-8-5 Informal Human Resources Action Review Steps**

### **A. Step One**

1. To request review of a disciplinary action that is subject to informal review under this policy, the employee must file a written request for review with the supervisor who issued the discipline within ten business days of the date the employee receives notice of the disciplinary action.
2. The request for review shall be on a form provided by the Human Resources Department.
3. Within five business days of the supervisor's receipt of the employee's request for review, the supervisor shall provide a written response to the employee on the form provided.
4. If the Department Director is the supervisor who issued the disciplinary action, the employee shall file the written request for review with the Director of Human Resources. The Director of Human Resources' decision is final and not appealable within any Town process.

### **B. Step Two**

1. If the procedure in Step One does not resolve the issue to the employee's satisfaction and does not involve a final decision of the Director of Human Resources the employee may request review of the disciplinary action by filing the written request for review, on the form provided, with the next level manager, if any. The employee must file the request for review within five business days of receipt of the supervisor's written response. The request for review must include a written response to the supervisor's comments, indicating the areas of disagreement with the supervisor's comments and a proposed solution.
2. Within five business days of the manager's receipt of the employee's request for review, the manager shall provide a written response to the employee on the form provided.
3. If there is no next level manager between the supervisor issuing the discipline and the Department Director, the employee may proceed directly to Step Three.

### **C. Step Three**

1. If the procedure in Step Two does not resolve the issue to the employee's satisfaction, the employee may request review of the disciplinary action by filing the written request for review, on the form provided, with the Department Director. The employee must file the request for review within five business days of receipt of the manager's written response. The request for review must include a written response to the manager's comments, indicating the areas of disagreement with the manager's comments and a proposed solution.

2. Within five business days of the Department Director's receipt of the employee's request for review, the Department Director shall provide a written response to the employee on the form provided.
3. The Department Director's decision is final and not appealable within any Town process.

### **Section 5-8-6 General Rules**

- A. In the absence of good cause, the employee's failure to timely pursue any step in the review process shall result in the termination of the review process and the employment action shall stand.
- B. If a supervisor or manager does not respond to the employee within the time allotted by this policy, the employee may proceed to the next step in the process.
- C. No discipline, retaliation, or threats of retaliation shall be taken against any employee as a result of the employee's participation in this review process. Such discipline, retaliation or threats of retaliation constitute grounds for disciplinary action, up to and including termination.
- D. Disciplinary actions subject to informal human resources action review may be resolved or settled at any step in the process.
- E. Upon reversal of the decision at any step in the informal human resources action review process, the successful employee may recover any wage and/or benefits losses incurred, from the effective date of the disciplinary action pursuant to the provisions of this policy.
- F. The employee may have a non-attorney co-worker of the employee's choosing as a representative at any step in the review process. The co-worker may not speak on behalf of the employee and may only participate as an observer. The employee shall be permitted reasonable breaks of limited duration during any step in the review process to consult with the co-worker or others who are immediately available, telephonically, or otherwise.

### **Policy 5-9 Grievance Policy and Procedures**

The Town of Prescott Valley recognizes that employees may have problems or concerns about their work, working conditions or relationships with colleagues that they may wish to discuss with management. It is in the best interests of both the Town and the employee to resolve workplace concerns at the earliest opportunity before they develop into major issues. Employees are encouraged to raise concerns about their work assignment, working conditions or relationships with colleagues with their immediate supervisor or as appropriate, a more senior manager if the concern is regarding their supervisor. Reasonable efforts should be taken to resolve the issue informally before a formal procedure is initiated except where the concern relates to serious

misconduct such as harassment. Complaints regarding illegal harassment, discrimination or retaliation should be submitted directly to a Department Director, or the Director of Human Resources, in compliance with these Human Resources policies.

The purpose of this policy is to provide a formal mechanism for employees to have recourse if the grievance or complaint cannot be resolved informally through early discussions with line management. At no time will punitive action be taken against an employee in retaliation for raising a grievance or for exercising any rights during the grievance process.

The grievance procedures applicable to employees may be modified by Arizona statutes (including A.R.S. § 38-1106 Appeal of Disciplinary Actions by a law enforcement officer) or by memoranda of understanding with employee groups per Town Code Article 3-06 Meet and Confer.

### **Section 5-9-1 Definitions**

- A. **Grievance:** A difference in opinion concerning working terms or conditions of employment, or the dispute involving interpretation or application of Town policy, rules, or regulations, by the person(s) affected.
- B. **Informal Grievance:** A complaint raised verbally or through other informal means.
- C. **Formal Grievance:** A complaint raised formally, in writing, stating that the employee wishes the matter to be pursued formally under the Town's Grievance Procedure.
- D. **Good Faith:** Without malicious intent.

### **Section 5-9-2 Grievance Steps**

- A. The Town encourages all levels of Town leadership to meet regularly with all employees on an individual basis, in small groups, or within departments, to provide the opportunity to discuss concerns and to find solutions.
- B. Grievable vs. Non-Grievable Issues

Employees shall have the right to appeal violations of the provisions of the Town's Human Resources policies except for the following issues which are not grievable:

- Complaints for which the Town provides an alternate dispute resolution procedure.
- Disciplinary action – employees who are the subject of disciplinary action under Policy 5-6 and wish to raise a concern about the outcome of the process should use the right of appeal provided under that procedure. This Grievance procedure is not intended as a second channel of appeal in such cases.
- Termination of a probationary period appointment.

- Termination of a temporary/part-time appointment.
- Classification.
- Compensation.
- Performance evaluation.
- Oral warnings.

## C. Levels of Review

### 1. Informal Grievance Procedure

As a general principle, employees raising a grievance or complaint about any workplace related issue are expected first to make all reasonable efforts to resolve their concern informally with their immediate supervisor or manager, or more senior manager where the immediate supervisor is the subject of the complaint. However, if an employee believes that discussion with his/her supervisor is not appropriate, the employee may proceed to the formal grievance procedure.

In the event of allegations of discrimination, harassment, or retaliation, the employee should immediately raise the matter directly with a Department Director, or the Director of Human Resources, in compliance with these Human Resources Policies. An interest-based problem solving methodology will be used by all Town staff in not only reviewing all matters, but in seeking a permanent solution that is in the best interest of all parties and sustains the Town's mission and values in all circumstances.

### 2. Formal Grievance Procedure

Any written grievance should be submitted to the employee's Department Director and to the Human Resources Department within ten (10) working days of the incident. Employees shall act in good faith and make reasonable efforts to verify facts before making any complaint. The written grievance shall include the following:

- A full description of the grievance and how the employee was adversely affected.
- The section of the Town Human Resources policies allegedly violated stating the specific nature of the violation.
- The date(s) of the incident(s) grieved.
- The remedy or solution to the grievance sought by the employee.
- The signature of the grievant and the date of the written grievance.

No modification in the alleged basic violation shall be made after filing of a grievance, unless mutually agreed to by both the Town and the grievant. However, corrections or other clarifying amendments can be made at any time by the grievant.

Complaints may be made confidentially, and all reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation.

a. First Level of Review

- i. The appeal shall be presented in writing to the employee's Department Director within ten (10) working days of the incident.
- ii. At this time, the Town may determine if the grievance is proper pursuant to the policy.
- iii. The Department Director shall render a decision and comments in writing and return them to the employee within ten (10) working days after receiving the appeal.
- iv. If the employee does not agree with the Department Director's decision or if no answer has been received within ten (10) working days, the employee may present the appeal for the second level of review within ten (10) working days. Failure of the employee to take further action within ten (10) working days after receipt of the written decision from the Department Director will constitute dropping of the appeal.

b. Second Level of Review

- i. The Director of Human Resources shall render a decision in writing and return it to the employee within ten (10) working days after receiving the appeal.
- ii. If the employee does not agree with the decision, or if no answer has been received within ten (10) working days, the employee may present the appeal in writing within ten (10) working days to the Town Manager. Failure of the employee to take further action within ten (10) working days after receipt of the decision will constitute dropping the appeal.

c. Final Remedy

- i. If the employee is dissatisfied with the Town Manager's final decision, the employee may choose to file a special action in the Yavapai County Superior Court. The Court's review will ordinarily be limited to deciding whether the administrative action was unlawful in that it was arbitrary,

capricious, or involved an abuse of discretion. Only evidence presented to the Town should be considered by the Court.

#### D. Conduct of Grievance Procedure

1. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned with the approval of the Director of Human Resources.
2. The employee may request the presence of another person of the employee's own choosing in preparing and presenting an appeal at any level of review.
3. An appeal, once dropped through action by the employee or through the failure on the employee's part to pursue the grievance, cannot be re-instituted.
4. Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.
5. Information concerning an employee grievance is to be held in confidence to the extent practicable. Supervisors, Department Directors, and other members of management who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
6. Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.
7. Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the Town to proceed with any disciplinary action that is not in retaliation for the use of the grievance procedure.
8. The Town may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.
9. This policy does not alter the employment-at-will relationship in any way.



## **PERFORMANCE MANAGEMENT AND EMPLOYEE DEVELOPMENT**

### **Policy 6-1 Performance Management**

#### **Section 6-1-1 Initial Performance Evaluation Period**

- A. Except as otherwise set forth in this section, the following employees shall serve in an initial performance evaluation period:
  - 1. All full- and part-time employees hired in a classified position.
  - 2. All full- and part-time employees laterally transferred to a classified position in a different classification title or in a different department than the employee was in prior to transfer.
  - 3. All full- and part-time employees demoted or promoted from one classified position to another.
- B. The duration of the initial evaluation period shall be as follows:
  - 1. For employees in all departments except for Police Officers, six (6) months from the date of hire, transfer, demotion or promotion.
  - 2. For Police Officers, twelve (12) months from the date of hire, transfer, demotion or promotion.
- C. Notwithstanding the provisions of this section, the following employees will not be required to complete an initial evaluation period:
  - 1. An employee who is demoted, promoted or transferred due to a reclassification of a position and who has been performing the duties of the reclassified position for twelve (12) months or longer prior to the reclassification.
  - 2. An employee who is laterally transferred or demoted if the employee has previously completed an initial evaluation period in the same classification and in the same department.
  - 3. An employee who is laterally transferred or demoted if the lateral transfer or demotion is due to a Town-initiated reorganization or restructuring.
- D. Employees who are required to complete an initial performance and goal setting period pursuant to this section will not be considered finally appointed to a full- or part-time classified position until successful completion of the initial evaluation period.
  - 1. Successful completion of the initial performance and goal setting period is evidenced by a performance goal assessment which must be completed and reviewed at least two weeks prior to the date that the employee's initial evaluation period is scheduled to conclude.

- E. Employees serving in an initial performance goal setting period are at-will employees as defined in these Human Resources Policies. As such, during the initial evaluation period, employment may be terminated at any time, with or without notice or cause, for any reason not prohibited by law.
- F. The decision to terminate employment during the initial evaluation period is not subject to appeal under the human resources action review procedures set forth in *Policy 5-7 Formal Human Resources Action Review Procedures*. An employee who does not successfully complete the initial performance period in a transfer or promotion may be restored to his or her former position, at the discretion of the Town.
  - 1. If an employee is restored to his or her former position, restoration shall include restoration of the employee's former pay and all other benefits to which he or she would have been entitled if the transfer or promotion had not occurred, except that any compensatory time that was paid out to an employee who transferred or promoted into an exempt position will not be restored if the employee returns to a non-exempt position.

#### **Section 6-1-2 Extension of the Initial Performance and Goal Setting Period**

- A. The Town may extend an employee's initial performance and goal setting period if it is determined that more time is necessary to evaluate the performance of the employee.
- B. All extensions of the initial performance and goal setting period shall be approved by the Department Director or the chain of authority above the level of Department Head, where applicable, and the Director of Human Resources.
- C. The employee shall receive a written notice of the extension no later than the last day of the initial performance and goal setting period. If the employee is unavailable to receive such a notice in person, the Town shall send a letter to the last known address of the employee on file with the Human Resources Department. In either case, the date of the letter shall be deemed the effective date of the notice. A copy of the notice of extension should be forwarded to the Human Resources Department for inclusion in the employee's individual human resources file.
- D. Under no circumstances may the total time for the initial performance and goal setting period exceed twelve (12) months.

#### **Section 6-1-3 Performance Coaching and Employee Development Process**

- A. Employees who have completed the initial evaluation period shall receive feedback regarding their performance on a regular basis as directed by the Town Manager and implemented by the Director of Human Resources through the performance management system.

- B. Employees are encouraged to increase their skills and job potential through available training and educational opportunities.
- C. All Town employees shall comply with the requirements of the performance management system implemented by the Human Resources Department, as those requirements may change from time to time.

## **Policy 6-2 Education Assistance**

The Town may provide education assistance in the form of tuition reimbursement to eligible employees.

### **Section 6-2-1 Purpose**

The Town recognizes that the skills and knowledge of its employees are critical to the success of the organization. The education assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills.

### **Section 6-2-2 Budget Appropriation and Capacity**

- A. The education assistance program is subject to any limitations imposed by the Town's budget appropriations and capacity and the availability of funds. The Town shall be under no obligation to provide tuition reimbursement to employees.
- B. Available funds shall be disbursed to eligible employees on a first-come, first-serve basis for any given fiscal year. Once available funds in a fiscal year are expended, no further reimbursement to employees will occur.

### **Section 6-2-3 Reimbursement**

- A. Employees approved for participation in the education assistance program shall receive reimbursement from the Town for approved tuition costs, as defined by this Policy. The employee shall be responsible for any remaining balances.
- B. The maximum assistance available to any one employee is \$4,000 per fiscal year.
- C. The employee shall be responsible for all other expenses, including, but not limited to, books, supplies, parking, and application and registration fees.

#### **Section 6-2-4 Eligibility for Participation**

- A. All benefit-eligible classified or unclassified employees as described in *Policy 4-9 Group Benefits*, with satisfactory work and attendance records who have successfully completed the initial performance and goal setting period are eligible to participate in the education assistance program.
- B. Employees who receive grants, scholarships, or veteran's benefits that cover tuition costs are eligible to participate, but the Town will only reimburse the employee for those tuition costs that are not covered by these external funds.
- C. Only courses that begin after a new employee's initial performance and goal setting period is completed will be eligible for reimbursement.
- D. Employees participating in the program must earn a grade of "C" or higher in graded courses or a grade of "pass" in pass/fail courses in order to remain eligible. Employees shall provide proof of satisfactory grades in the form of an original grade report or transcript to the Human Resources Department within thirty (30) calendar days of the completion of each course.

#### **Section 6-2-5 Criteria for Approval**

- A. All courses shall be directly related either to the employee's present job or to a position within the Town to which the employee could logically progress in the future or a part of a planned program leading to an undergraduate or graduate degree in a field that has applicability to Town business (e.g., accounting, engineering, criminal justice).
- B. Courses shall be taken on the employee's own time, during off duty hours.
- C. Courses shall be taken at accredited colleges, universities, or community colleges or at Town-approved vocational and trade schools.

#### **Section 6-2-6 Application and Reimbursement Procedures**

- A. Employees shall complete a tuition reimbursement application, available through the Human Resources Department, before the first day of class.
- B. All applications must have the prior approval of the employee's Department Director, as indicated by the Department Director's signature on the application.
- C. Applications shall be reviewed and approved or disapproved by the Director of Human Resources. Employees may not be reimbursed for any courses enrolled in prior to receiving written confirmation of approval from the Director of Human Resources
- D. If the application is approved, employees must submit a completed request for reimbursement, along with proof of satisfactory grade(s), within thirty (30) calendar days of the completion of

each course. Failure to submit the completed request as required within the time limit shall result in disqualification for tuition assistance. Requests should be submitted on the Town Tuition Reimbursement Form:

<https://www.prescottvalley-az.gov/DocumentCenter/View/18257/Tuition-Reimbursement-Form-updated-FY23-24-PDF>

- E. Requests for reimbursement shall be reviewed by the Director of Human Resources. Upon final approval of the request for reimbursement by the Director of Human Resources, reimbursement shall be distributed to the employee.
- F. The approval of an employee's participation in the education assistance program is not a guarantee that the employee will receive reimbursement. Reimbursement is based upon the employee's continued employment with the Town and satisfactory work performance.

### **Section 6-2-7 Termination of Employment**

- A. Employees participating in the education assistance program who separate from Town employment for any reason within twelve (12) months of receiving reimbursement shall be required to repay the Town the full amount of the reimbursement. Exceptions may be considered on a case by case basis, subject to approval of the Department Director and Director of Human Resources.
- B. The amount of repayment to the Town shall be withheld from the employee's final paycheck, where authorized by applicable law.
- C. If the amount of the employee's final paycheck is not sufficient to cover the cost of repayment to the Town, the employee shall be required to reimburse the Town for the amount due at the time of termination.

### **Policy 6-3 Town-Sponsored and Required Training**

It is the policy of the Town to encourage and coordinate training opportunities for employees and supervisors to enhance the efficiency and effectiveness of Town services.

#### **Section 6-3-1 Definition**

For purposes of this policy, "training" is defined as any work-related seminar, conference, convention, or workshop attended by an employee when registration and expenses are funded in whole or in part by the Town.

### **Section 6-3-2 Procedures**

- A. The employee's Department Director must approve attendance at training programs within the state prior to registration by the employee.
- B. Town-sponsored and required training shall generally be arranged during regularly scheduled work hours. A Department Director may change the standard work hours of an employee to accommodate or require attendance at training activities. Required training shall be considered hours worked.
- C. Employees who acquire training on their own time and expense are encouraged to notify the Human Resources Department so the information can be noted in the employee's individual human resources file. A copy of any certificates awarded should be forwarded for inclusion in the employee's individual human resources file.
- D. The Human Resources Department shall maintain an employee training history and shall periodically audit training attendance and policy compliance.

### **Policy 6-4 Special Licenses and Membership Fees**

Membership in outside organizations shall be in the name of the Town, if possible.

#### **Section 6-4-1 As a Condition of Employment**

- A. The Town will pay the current annual dues or fees for each employee who is required to be a member of a professional organization or who must maintain current a particular certification or license as a condition of employment.
- B. The employee must present a dues statement or other verification of the amount due to his or her Department Director. Payment will be made upon approval by the Department Director.
- C. Whenever possible, the Town will pay the dues or fees directly to the professional organization or licensing agency on behalf of the employee. If the Town cannot pay the dues or fees directly to the professional organization, the Town will make a lump sum payment to the employee in the amount of the current annual dues or fees.

#### **Section 6-4-2 As a Condition of Professional Growth**

- A. Employees who belong to professional organizations that are not required as a condition of employment, but that promote individual professional growth, competence and effectiveness in functioning as Town employees are encouraged to attend local, state and national meetings subject to approval by the Department Director and budgetary limitations.

- B. Payment of dues and fees for these non-mandated organizations is the responsibility of the individual employee unless approved for Town payment by the Director of Human Resources.

## **SAFETY AND HEALTH**

### **Policy 7-1 Safety and Loss Management**

The Town is committed to providing a safe and healthy working environment. The Town's policy is aimed at minimizing the exposure of its employees and visitors to its facilities to health or safety risks.

#### **Section 7-1-1 Employee Support for Safe Work Practices**

- A. All employees are expected to work diligently to maintain safe and healthy working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.
- B. The responsibilities of all employees in this regard include:
1. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
  2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
  3. Reporting unsafe conditions, equipment or practices to supervisors;
  4. Using safety equipment provided by the Town at all times;
  5. Observing conscientiously all safety rules and regulations at all times;
  6. Notifying their supervisor, before the beginning of the work day, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their co-workers; and
  7. Participating in appropriate safety training.

#### **Section 7-1-2 Safety Coordinator**

The Town designates a full-time employee as its Risk Management Coordinator. The Risk Management Coordinator, along with the Town Manager, Department Directors, supervisors and Human Resources staff, will monitor and encourage compliance with safety and loss prevention programs, including education and training.

### **Section 7-1-3 Evaluation of Safety Performance**

Employees are rated on appropriate safety performance as part of their performance evaluation.

### **Section 7-1-4 Use of Town Equipment and Vehicles**

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action up to and including termination of employment.

## **Policy 7-2 Fitness for Duty Examinations**

The Town may require an employee to submit to a fitness for duty examination to establish the employee's psychological or physical fitness for duty under the circumstances described in this policy and in compliance with applicable law.

### **Section 7-2-1 Requirements**

The Town may require an employee to submit to a fitness for duty examination only when the examination is job-related and consistent with business necessity, including, but not limited to, when an employee is unable to perform his or her assigned duties, or the employee's physical condition or behavior may create a direct threat to the employee or others.

### **Section 7-2-2 Process**

- A. Upon noticing or learning of a behavioral or physical problem that impacts an employee's work performance, a Department Director or an immediate supervisor of the employee shall notify the Human Resources Department.
- B. If the Human Resources Department determines that a fitness for duty examination is warranted, the Human Resources Department will determine the appropriate medical professional or other outside service provider to conduct the examination.
- C. The Human Resources Department will schedule all appointments and make any other necessary arrangements for the examination in coordination with the employee and the employee's department.
- D. The employee shall be advised that attendance and cooperation at all appointments is mandatory, and that the employee will be compensated for the time spent at any appointments.



### **Section 7-2-3 Examination Results**

- A. Upon receipt of fitness for duty examination results, the Human Resources Department will review and evaluate the findings and make a decision as to the continued status of the employee and any recommended course of action.
- B. If it is determined that the employee is not fit for duty, the Town may place the employee on leave or take other appropriate action.
- C. Fitness for duty examination results are confidential and shall be placed in the employee's confidential medical file. Only those in the employee's chain of command will be advised of any of the contents of the results, and the information that will be shared will be limited to whether the employee will remain employed and, if so, what if any limitations have been placed on the employee.

### **Section 7-2-4 Police Officers**

Whenever a police officer is required to submit to a fitness for duty examination, the Town shall comply with all applicable requirements of state law.

### **Policy 7-3 No Smoking**

Smoking is prohibited throughout the Town's buildings and in Town vehicles. This policy applies equally to all employees and visitors.

#### **Section 7-3-1 Smoking Areas**

Employees who smoke may do so outside of the Town buildings in the properly designated areas.

#### **Section 7-3-2 Smoking Breaks**

Smoking breaks shall be limited to the same number of breaks that other Town employees receive. The immediate supervisor may limit smoking breaks, particularly if they interfere with work.

#### **Section 7-3-3 Smoking Cessation**

Employees who smoke but who want to quit should contact Human Resources staff for information on possible medical insurance carrier and community resources, literature or smoking cessation programs that may be available.

## **Policy 7-4 Violence in The Workplace**

### **Section 7-4-1 Consequences of Prohibited Conduct**

Any threats or acts of violence made by an employee against another person's life, health, well-being, family or property are entirely unacceptable and are cause for immediate dismissal, even for a first offense. This policy holds for any threats made on Town property, at Town events or under other circumstances that may negatively impact the Town's ability to conduct its business.

### **Section 7-4-2 Infringement on Safe Workplace**

- A. Acts or threats of violence, whether made directly or indirectly, explicitly or implied, by words, gestures or symbols, infringe upon the Town's right or obligation to provide a safe workplace for its employees and are prohibited.
- B. Possession of firearms, explosives or weapons not authorized by the Town are considered threats of violence and is prohibited. The consequence of such prohibited possession is disciplinary action, up to and including immediate discharge.

### **Section 7-4-3 Complaint Procedure**

Any employee who believes that he or she has been, is or may be the target of threats or acts of violence or has witnessed or otherwise learned of violent conduct by another employee or by a third party, should contact a supervisor, Department Director, Director of Human Resources or the Police Department immediately.

## **Policy 7-5 Drug- And Alcohol-Free Workplace Policy**

### **Section 7-5-1 Purpose**

The Town of Prescott Valley has a zero-tolerance policy in relation to employees being impaired by drugs or alcohol while at work. The purpose of this policy is to establish and maintain a healthy work environment with employees who are able to perform their assigned duties in a safe manner.

This policy applies to all full time, part time, regular, temporary employees, interns, volunteers, and any individual who has been given a conditional offer of employment. The Town has set procedures for drug and alcohol testing for employees in safety sensitive positions and those that have a commercial driver's license (CDL) as well as guidelines for dealing with violations of this policy. Any employees who are regulated by the Department of Transportation may be subject to DOT/FMCSA rules and regulations governing drug and alcohol testing. Please refer to the Town's [Drug and Alcohol Control Policy 2-25](#) for full details. Additionally, employees of some Town

departments, such as Police and Fire, may have specific government or departmental regulations governing substance use and abuse that they must comply with.

### **Section 7-5-2 Restrictions**

Employees shall not report for duty or remain on duty under the influence of or impaired by any drugs or alcohol, including prescriptions, over-the-counter (OTC) medicines, marijuana or other intoxicants that could impair work performance, alertness, coordination, or response time.

Employees must not unlawfully use, possess, distribute, dispense or manufacture any alcohol, drugs or other controlled substances while working for the Town, while on Town property, operating a Town vehicle, operating a personal vehicle while on Town business or representing the Town at any location.

Employees shall not consume alcohol, drugs or other intoxicants during lunch periods or breaks or while on-call or stand-by when the individual is expected to return to work. If an on-call employee is requested to work and has consumed drugs and/or alcohol, the employee must disclose the use of such substances at the time the individual is called to report for duty.

Employees shall not consume alcohol within 4 hours before reporting to work. Employees must not consume alcohol for eight hours following involvement in an accident until the employees submits to any required post-accident drug and/or alcohol testing.

Employees shall not refuse to take or fail to cooperate in any way with a required drug and/or alcohol test. Employees shall not interfere with, alter, substitute, adulterate, dilute or in any way attempt to affect the outcome of the testing procedure.

### **Section 7-5-3 Types of Drug and Alcohol Testing**

#### **1. Pre-employment testing**

All new job candidates occupying a Safety Sensitive position as identified by Human Resources and per [Arizona state statute \(see A.R.S. § 23-493\)](#), must undergo testing for drugs and controlled substances (including marijuana) within 24 hours of signing a conditional offer of employment (or as soon as an appointment for testing can be made by Human Resources).

Current employees who are transferring or are promoted into a Safety Sensitive position or one that requires the possession of a CDL will also be subject to pre-employment testing.

Applicants will not be allowed to substitute testing done through any facility other than a laboratory approved by Human Resources.

#### **2. Post-accident and injury testing**

An employee involved in an on-the-job accident while operating a vehicle or power equipment may be subject to drug and/or alcohol testing if any of the following conditions are met:

- a. There is a loss of life.
- b. The employee receives a citation for a moving traffic violation arising from the accident.
- c. A vehicle is required to be towed away from the scene.
- d. There is an injury requiring treatment away from the scene of the accident.
- e. It is clear that the actions of the employee caused the accident.

This section does not require the delay of necessary medical attention for the injured employee following the accident or prohibit a driver from leaving the scene of an accident in order to obtain necessary medical attention.

A post-accident alcohol test should be performed within two hours of the accident and not to exceed eight hours. A post-accident drug test should be performed at the same time, but no more than 12 hours after the accident occurred. If an alcohol test is not administered within eight hours or a drug test is not administered within 32 hours following the accident, all attempts to administer testing should cease and the supervisor will prepare a written report stating the reasons a test was not administered.

In conjunction with other indicators (e.g., dilated pupils, bloodshot eyes, sleepy appearance, reduced motivation, anxiety, reduced thinking ability), an employee who tests positive for an illegal controlled substance and/or alcohol following an accident or injury will be recommended for dismissal.

### **3. Random Testing**

Any employee required to hold a commercial driver's license (CDL) for their position or any employee in a safety sensitive position will be subject to random drug and/or alcohol testing quarterly. Other limited job classifications may be subject to random testing, depending on the requirements of the job as authorized in conjunction with Human Resources and the Town Attorney's office. If an employee is selected for random testing, their supervisor will be notified, and the employee will be required to report to the testing site at their designated time. Failure to do so will be considered a refusal to test in which appropriate disciplinary action will be taken, up to and including termination.

### **4. Reasonable Suspicion Testing**

An employee shall be required to submit to drug and/or alcohol testing if that employee's supervisor has reasonable suspicion to believe the employee is impaired while on duty. The decision to require a test for reasonable suspicion will be based upon objective observations by one or more supervisors and those observations shall be recorded on independent reasonable suspicion checklists available in the Town's Document Centre:

<https://www.prescottvalley-az.gov/DocumentCenter/View/17126/2-25A-Reasonable-Suspicion-Checklist-PDF>

If a supervisor has reason to believe that an employee is impaired while on duty, he or she should immediately ensure the safety of the employee and others by removing the employee from the worksite. Where safe to do so, the supervisor or designee will drive the employee to the testing site and then home pending the test results. Otherwise, travel arrangements shall be made by the employee's supervisor or Human Resources for the employee for testing purposes. The employee will be placed on administrative leave pending notification of the test results.

## 5. Other Testing Scenarios

Drug and alcohol testing may also be required in any of the following scenarios:

- **Return-to-duty/follow-up testing:** Return to duty drug and/or alcohol testing will be required of employees who have been referred to assessment or treatment for substance abuse and/or following a positive test result (or other violation of this policy) and who have been approved to return to work by HR and Department management. A verified negative result is necessary before reporting to work. Once the employee returns to duty, the employee may be subject to follow-up testing.
- Any other circumstance required by the Town's contractual obligations or when authorized or required by applicable federal or state laws.

## Section 7-5-4 Self-identification Process

Employees are encouraged to self-identify to their supervisor or Human Resources for chemical dependency, alcohol abuse, or addiction to any medications **that can impair the employee's job performance** before it affects safety or on-the-job performance. Discipline will not be initiated because an employee self-identifies as long as it occurs before the employee receives notice to report for testing or before the employee violates this drug- and alcohol-free workplace policy.

Employees who self-identify will:

1. Be removed from any driving or safety sensitive position until released by a Town approved Substance Abuse Professional (SAP).
2. Agree to successfully participate in a Town approved Employee Assistance Program treatment rehabilitation program and comply with the program conditions.
3. Sign a Last Chance Agreement. This agreement may be offered in lieu of dismissal for violation of the Town's substance abuse rule. This agreement will outline the condition of continued employment with the Town of Prescott Valley.
4. Sign a consent to release information document allowing the SAP to communicate the employee's progress to Human Resources.

5. Agree to unscheduled drug and/or alcohol tests as directed by the SAP and Human Resources for a minimum of six tests in the first twelve months and not to exceed sixty months from the date the employee returns to work.
6. Complete a Return to Duty test as a condition to return to work or continued employment in conjunction with the completion of an approved drug and/or alcohol treatment counseling program.

Employees may:

1. Use accumulated general leave or other available leave for the rehabilitation program. Leave donations will not be authorized under any circumstances.
2. Be accommodated by their department by being placed in a non-driving/safety sensitive position if appropriate and available. Accommodations must be approved by Human Resources.

If a non-driving/safety sensitive position is not available, the employee will be allowed to use general leave until released by an SAP.

Voluntary self-identification shall not relieve the employee from the responsibilities of adequate job performance nor prevent dismissal in the event the employee tests positive for any drugs and/or alcohol during follow-up testing.

#### **Section 7-5-5 Substance Testing**

As permitted by applicable law, the Town may test for any of the following substances: alcohol, marijuana/THC/CBD, cocaine, opiates, amphetamines (including methamphetamines), phencyclidine (PCP), barbiturates, or any other substance considered unlawful under the schedules of the controlled substances section of the comprehensive drug abuse prevention and control act of 1970, as amended, (P.L. 91-513; 84 Stat. 1247; 21 United States Code section 812), or the metabolite of these substances.

#### **Section 7-5-6 Consequences of a Positive Test or Prohibited Conduct**

Employees testing positive for drugs and/or alcohol, attempting to alter the outcome of a mandatory test, refusing to participate in a required test, or in any way violating the Town's drug and alcohol policy may be removed from their position and be subject to discipline, up to and including dismissal. If a candidate tests positive for drugs or controlled substances, his or her offer of employment will be rescinded.

Pursuant to Arizona's Medical Marijuana Law, and except as provided herein and permitted by applicable law, the Town will not refuse to hire an applicant and will not discipline or fire an employee who is a Qualifying Patient with a Registry Identification Card solely because the

individual possesses a Registry Identification Card or because that individual tests positive for a presence of marijuana in his or her system. “Qualifying Patient” means an employee or a prospective employee who has been diagnosed by a physician as having a debilitating medical condition as provided for in A.R.S. § 36-2801, et seq. “Registry Identification Card” means a document issued by the Arizona Department of Health Services or its successor agency that identifies a person as a registered Qualifying Patient as provided for in A.R.S. § 36-2801, et seq.

The Town will withdraw an offer of employment or terminate an employee based on its good faith belief that the applicant or employee was impaired by marijuana while in the work environment or during hours of employment. Employees also will be terminated if they use or possess marijuana during work hours or in the work environment.

In the case of a Qualifying Patient who possesses a Registry Identification Card and is *not* employed in or applying for a safety-sensitive position, if initial and confirmatory drug testing reveals the presence of marijuana in an employee’s or prospective employee’s system and there is other evidence or indicators of impairment, and the employee or prospective employee does not provide an explanation that satisfies the Town, the Town will take disciplinary action, up to and including termination.

Under no circumstance should any employee work while under the influence of or have a detectable level of marijuana while in a safety-sensitive position. In the case of a Qualifying Patient who possesses a Registry Identification Card and who is employed in a safety-sensitive position (or is a prospective employee who has applied for a safety-sensitive position), if initial and confirmatory drug testing reveals the presence of marijuana in an employee’s or prospective employee’s system and the employee or prospective employee does not provide an explanation that satisfies the Town, the Town may take disciplinary action, up to and including termination (or, in the case of a prospective employee, the Town will withdraw a conditional offer of employment).

Any positive test result for which the employee cannot provide a satisfactory explanation may constitute willful misconduct. The Director of Human Resources, in consultation with the Town Attorney, will determine whether or not an explanation is satisfactory.

### **Section 7-5-7 Employee Assistance Program**

The Town maintains an Employee Assistance Program (EAP) that offers confidential counseling, assessment and other professional services related to substance abuse issues. Employees needing assistance in dealing with substance abuse problems are encouraged to voluntarily use the Town’s EAP along with their health insurance plan for counseling and treatment.

## **TERMINATION OF CONTRACT**

### **Policy 8-1 Employment End**

Employment with the Town may be ended voluntarily or involuntarily. An employee must provide a 14-day notice of resignation to be considered for re-employment at a future date.

#### **Section 8-1-1 Service Retirement**

Service retirement is voluntary termination after the employee has satisfied the employment requirements of the applicable retirement system.

#### **Section 8-1-2 Disability Retirement**

Disability retirement is voluntary termination necessitated by an injury or illness that renders the employee incapable of performing the essential tasks of his or her usual job. The termination is preceded by a letter from the employee to his or her supervisor advising of the disability ruling, date of termination, supporting documentation, and a ruling by the appropriate agency verifying the disability and approving the retirement.

#### **Section 8-1-3 Resignation**

Resignation is voluntary termination for any reason other than formal retirement. It is customary and expected that an employee will provide a written resignation to his or her immediate supervisor at least fourteen (14) calendar days prior to the effective date of resignation. During this 14-day period, the employee will be expected to perform the normal functions of his or her job and to be available to assist in the training of a replacement or in the transition of job duties to another employee.

#### **Section 8-1-4 Termination During Initial Performance and Goal Setting Period**

During the initial evaluation period, an employee may be terminated at any time, with or without notice or cause, for any reason not prohibited by law.

#### **Section 8-1-5 Termination**

Termination is the involuntary, permanent removal of an employee from employment with the Town. The terms “termination” and “discharge” are sometimes used interchangeably in these Human Resources Policies.



## **Section 8-1-6 Layoff and Recall**

### **A. Definitions**

1. A layoff is a reduction in the Town's work force due to a shortage of work or funds or a material change in duties or organization. Layoffs shall not be used in lieu of discipline.
2. For purposes of this section, seniority shall be defined as an employee's total length of continuous service with the Town as a probationary/regular employee. If there is a tie in seniority, seniority shall then be determined by the date of the employees' entry into the job classification occupied. If there is still a tie, seniority shall then be determined by comparing the first letters of the employees' last names or, if the employees' last names start with the same letter, by comparing the first letters of the employees' first names. In the first fiscal year in which this tiebreaker is applied, letters appearing earlier in the alphabet (i.e., A - Z) shall confer more seniority on an employee. In the next fiscal year in which this tiebreaker is applied, letters appearing later in the alphabet (i.e., Z - A) shall confer more seniority on an employee. Thereafter, the Town will continue applying this alternating pattern whenever this tiebreaker is applied.

### **B. Applicability**

1. The provisions of this section apply to all regular full- and part-time classified employees who have completed the initial evaluation period as defined in the Town Code and these Human Resources Policies.
2. The provisions of this section do not apply to unclassified employees, probationary employees or other at-will employees, as defined in the Town Code and these Human Resources Policies. However, unclassified employees, probationary employees and other at-will employees may be subject to job elimination or termination due to a shortage of work or funds, or a material change in duties or organization.

### **C. Bumping**

1. The bumping provisions described in this section shall only apply to Arizona Peace Officer Standards and Training (AZPOST)-certified employees serving in the Police Department and Police Department employees attending a police academy.
2. Any regular AZPOST-certified Police Department employee who is identified for layoff in accordance with this section may be permitted to "bump", that is, assume a position in the next lower classification within the department, provided that:
  - a. The employee has more seniority than at least one employee in the lower classification; and

- b. The employee has successfully completed an initial evaluation period in the lower classification in the department; and
  - c. The employee meets the minimum qualifications of the position and can perform the essential functions of the position.
- 3. If another lower classification exists within the department, the employee who is bumped from a position may be permitted to bump into or assume a position in the next lower classification within the department, provided that the employee meets the qualifications set forth in subparagraph 2 above.

#### D. Layoff Plans

- 1. Layoffs shall be accomplished on a department basis in accordance with a layoff plan prepared by the Department Director and approved by the General Manager, where applicable, the Town Manager's Office, the Human Resources Department and the Legal Department.
- 2. The layoff plan shall include the reason for the layoff, a list of each position subject to layoff by classification and a list of the employees holding the positions within the specified classification(s). The layoff plan shall also include a description of any bumping rights applicable to any of the employees included in the layoff plan.
- 3. Regular full- and part-time classified employees in grant-funded positions shall not be subject to layoff.
- 4. In any approved layoff plan, all vacant positions in the specified classification(s) within the department shall first be eliminated. Next, all temporary and/or probationary employees occupying the specified classification(s) within the department shall be terminated prior to the layoff of any regular employees in the specified classification(s) within the department. Regular employees within the specified classification(s) within the department shall then be laid off in inverse order of seniority.
- 5. Employees who have the option of exercising bumping rights shall be given notice of the layoff plan and of their right to bump into the next lower classification within the department. The notice shall inform the employee of the employee's opportunity to request a meeting with the Chief of Police in order to respond to the seniority calculation that is the basis for the bumping rights. Within 30 calendar days of receipt of this notice, the employee shall inform the Town in writing whether he or she will exercise those bumping rights. Upon receipt of the employee's written notification, the layoff plan will be finalized and implemented in accordance with this section.

#### E. Notice of Proposed Layoff

- 1. After finalization of the layoff plan, the Department Director shall issue a notice of proposed layoff to each employee who will be laid off. The notice shall inform the

employee of the employee's opportunity to present a written response to the proposed layoff and to attend a pre-layoff review meeting with the Department Director at a scheduled date, time and location.

2. The notice of proposed layoff shall be issued to each affected employee at least seven calendar days prior to the pre-layoff review meeting.

#### F. Pre-Layoff Review Meeting

1. The pre-layoff review meeting shall take place at least 14 calendar days prior to the proposed effective date of the layoff.
2. The pre-layoff review meeting shall not be an adversarial hearing. The purpose of the meeting is to give the employee the opportunity to respond, verbally or in writing, to the written notice of proposed layoff.
3. The employee may have a non-attorney co-worker of the employee's choosing present during the pre-layoff meeting. The co-worker may not speak on behalf of the employee and may only participate as an observer.
4. Any relevant information presented by the employee during the pre-layoff review meeting regarding the proposed layoff shall be considered by the Department Director.
5. Failure by the employee either to attend the pre-layoff review meeting or to timely submit a written response to the notice of proposed layoff shall be deemed a waiver of the employee's right to do so and the proposed layoff shall be implemented as specified in the layoff plan.

#### G. Notice of Layoff

1. After the pre-layoff review meeting, the Department Director shall advise the employee in writing of the decision regarding the proposed layoff. The decision shall be approved by the General Manager, where applicable, the Town Manager's Office, the Human Resources Department and the Legal Department. This notice of layoff shall be issued as soon as possible and at least 14 calendar days prior to the effective date of any layoff.
2. The original notice of layoff shall be submitted to the Human Resources Department and a copy shall be provided to the employee.

#### H. Hearing Officer Review

1. Employees who are laid off pursuant to the provisions of this section may request to have the layoff decision reviewed by a hearing officer employed by the Town to conduct formal personnel-related hearings.
2. To request hearing officer review, eligible employees must submit a written request for review, on a form provided by the Human Resources Department, to the Director of Human Resources within ten (10) calendar days after the effective date of the layoff.

3. Upon receipt of the employee's request for review, the Director of Human Resources shall set a date for a review hearing. The hearing should take place within thirty (30) calendar days of the Director of Human Resources receipt of the request for review, unless there is good cause to extend the time for the hearing.
4. The review by the hearing officer shall be only to ascertain whether the Town has complied with the provisions of these Human Resources Policies and Procedures relating to layoffs. The hearing officer has no authority to and shall not review whether the shortage of work or funds or the material change in duties or organization justified the layoff or whether alternative means may have been available to the Town. In all other respects, the hearing shall proceed in the manner set forth in *Policy 5-7 Formal Human Resources Action Review Procedures* of these Human Resources Policies or as otherwise determined by the hearing officer.
5. Upon conclusion of the review hearing, the hearing officer shall render a written decision which shall contain findings as to whether the provisions of these Human Resources Policies relating to layoffs have been complied with. The decision of the hearing officer shall be final and is not appealable within any Town process.
6. Failure by the employee to file a written request for review within ten calendar days after the effective date of the layoff, unless explained to the satisfaction of the hearing officer, shall operate as a bar to further recourse by the employee.

#### I. Pre-Layoff Transfer

1. Layoff decisions shall be coordinated among Town departments to provide possible transfer of employees to positions in other departments for which the employees qualify.
2. An employee subject to a pre-layoff transfer retains all accrued or allotted General, MTO, and compensatory time.
3. The employee shall serve an initial evaluation period in the classification the employee transfers into unless the employee has previously completed an initial evaluation period in that classification and in that department.

#### J. Recall

1. An employee who has been laid off pursuant to the provisions of this section shall be recalled within one year of the layoff if the employee's previously held job is reopened or if a similar job for which the laid off employee is qualified becomes available. The Town is not required to follow the competitive hiring process to recall a laid off employee.
2. An employee subject to a pre-layoff transfer is subject to recall in the same manner as an employee who is laid off.

### **Section 8-1-7 Use of Leave**

Employees may request to use General Leave during the last fourteen (14) days of their employment. However, the employee's supervisor or Department Director may deny a General Leave request on the grounds that the granting of leave will impede the operational needs of the department.

## **Policy 8-2 Exit Process**

The Human Resources Department is responsible for coordinating the exit process.

### **Section 8-2-1 Exit Clearance**

The employee's Department Director shall ensure that all Town-issued equipment, materials and supplies, including, but not limited to keys, identification cards, Town credit cards and uniforms have been returned as part of the employee's final exit clearance.

### **Section 8-2-2 Exit Interview**

Regular full- and part-time employees will participate in an exit interview scheduled prior to the last day of employment. Documented comments gathered from the exit interview shall be maintained separately from the employee's human resources file. Temporary employees do not ordinarily participate in an exit interview unless they volunteer to complete the interview.

### **Section 8-2-3 Final Paycheck**

- A. Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by Town policy and laws governing final payments.
  - 1. Terminated employees must be issued their final paycheck within three (3) working days of the effective date of the termination or at the end of the next regular pay period, whichever is sooner.
  - 2. Employees who leave the employment of the Town by means other than termination will be paid at the close of the next regular pay period.
  - 3. Costs of unreturned Town property will be deducted from the final paycheck.
  - 4. The Town will distribute the final paycheck to the employee via direct deposit.
- B. The Department Director must ensure that the employee has completed final clearance and that all items, including the Human Resources Action Form, the exit clearance checklist and the final time entry, have been properly completed and forwarded to the Human Resources

Department and the Finance Department within the required time frames for issuance of the final paycheck.

#### **Section 8-2-4 Continuation of Benefits**

- A. The continuation of benefits is subject to the provisions of each benefit plan and coverage may vary.
- B. Employees eligible to continue health benefits through COBRA and HIPAA will receive notification within the time limits determined by law.

#### **Section 8-2-5 Final Work Day**

Employees are expected to be present and to work on their final work day to facilitate the exit clearance process. Requests for leave will be considered as described in *Section 8-1-7 Use of Leave*.

### **Policy 8-3 Verification of Previous Town Employment**

All requests for verification of employment or wages of former employees, whether written or oral, must be forwarded to the Human Resources Department for processing. The Human Resources Department will provide information regarding a former employee's dates of employment, job classification(s), rate(s) of pay, department(s) worked in and eligibility for rehire in response to standard requests for employment verification. If the requestor submits a written authorization for release of information signed by the former employee, the Town may provide additional information in conformance with the written release.

#### **Section 8-3-1 Compensation and Benefits**

- A. An employee re-employed in his or her former position or in another position will be subject to the compensation policies and practices for new hires regardless of the employee's previous compensation at the time of separation.
- B. Future performance pay increases for a re-employed employee will be in accordance with the performance and goal policies and procedures set forth in *Policy 6-1 Performance Management*.

### **Section 8-3-2 Individual Human Resources File**

A former employee's individual human resources file will be re-activated upon re-employment with the Town if the file has not been disposed of in accordance with the Town's records retention schedule.

### **Section 8-3-3 Military Service**

An employee who resigns from Town service to enter active duty in the armed forces, voluntarily or involuntarily, will be subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and any applicable Arizona law.

### **Section 8-3-4 PSPRS**

Police employees who retire under the Public Safety Personnel Retirement System (PSPRS) are subject to the re-employment provisions of PSPRS. If any of the provisions of this policy conflict with the re-employment provisions of PSPRS, the provisions of PSPRS shall govern for those employees covered by PSPRS.

### **Section 8-3-5 Re-Employment and Seniority**

Separation and re-employment is not considered continuous service when determining seniority for layoff purposes, unless otherwise required by law.