



EMPLOYEE POLICY MANUAL

1.1	Applicability & Interpretation
<u>Issued:</u> 1/16/09 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3.1

A. Policy

- 1. Application.** This Employee Policy Manual (EPM) contains the employee policies of the City of Surprise, Arizona (hereinafter referred to as "City"). These policies generally apply to all City employees. These policies do not apply to the Mayor or members of City Council. These policies do not establish tenure or contractual rights for any employee. The City may waive irregularities in these policies at its convenience.
- 2. Previous Policies.** These policies supersede all previous written and unwritten personnel policies and guidelines and past personnel practices of the City, and also supersede any current department or division policy or procedure inconsistent with those set forth herein. Separate department or division policies that are more restrictive due to the operational needs of the department or division shall remain in effect.
- 3. Conflicts.** In the event of a conflict between these policies and the provisions of a written employment contract, the contract shall prevail. In the event of a conflict between these policies and any applicable law, the law shall prevail, unless the conflict is with a state employment law which the City has superseded by ordinance under the authority granted by State Statute or the Arizona Constitution. In the event of a conflict between these policies and any Memorandum of Understanding (MOU) the City may have with any recognized employee organization, the MOU shall prevail, unless the conflict is with City Code or federal or state law.
- 4. Severability.** If any section or part of these policies or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section of these policies is restrained by a court, the remainder shall not be affected and shall remain in full force and effect, unless the context as a whole indicates that another section should be invalidated as well to conform with the City's intent.
- 5. No Contract.** These policies are presented for informational purposes only, and may be changed at any time with or without notice. Nothing in these policies creates or is intended to create an employment contract, expressed

1.1	Scope of Coverage	Last Amended: 8/12/13
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or implied.

6. **Interpretation.** The provisions of this manual are intended to be construed together. Any inconsistency or vagueness will be resolved by a written interpretation from the Human Resources Director or City Attorney. Copies of such interpretations will be kept and maintained by Human Resources with the official copy of this manual.



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1.2	Management Authority
<u>Issued:</u> January 1, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-3

A. POLICY

1. **Generally.** The City retains the full right and responsibility to direct the operations, promulgate policies, rules and regulations and otherwise exercise the prerogatives of management, which more particularly include but are not limited to the following:
 - a. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge or otherwise correct an employee;
 - b. Promulgate and enforce rules and regulations;
 - c. To manage and determine the location, type and number of physical facilities, equipment, programs and the work to be performed;
 - d. To determine goals, objectives, programs, services, and budget and to utilize personnel and technology in a manner designed to effectively meet these purposes;
 - e. To determine work methods, the size and composition and duties of the work force, and the organizational structure;
 - f. To determine the hours of work, the number of shifts required and work schedules;
 - g. To relieve employees from duty due to lack of work, lack of funds, reorganization, job abolishment or other legitimate reason;
 - h. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained;
 - i. To determine the necessity to schedule overtime and the amount required thereof;

- j. To maintain the security of personnel and financial records and other important data or information;
 - k. To maintain and improve the efficiency and effectiveness of the operations;
and
 - l. To determine and implement necessary actions in emergency situations.
2. **Memorandums of Understanding (MOU).** The City may have an MOU with one or more employee representative groups. To the extent not inconsistent with City Code, the amount of paid time off accrued by employees to whom the MOU applies is exclusively governed by such MOU and nothing in this EPM 5.1 - Paid Time Off shall alter the terms of paid time off as set forth in such MOU. To the extent this EPM 5.1 - Paid Time Off conflicts with the MOU, the MOU prevails consistent with Surprise Municipal Code.
3. **Limitations.** The exercise of any such right, power, authority, duty or responsibility by the City and the adoption of such rules, regulations or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law, Municipal Code, and any authorized written employment agreement with an individual employee.
4. **Delegation of Authority.** The City Manager may delegate his/her authority to other employees within the organization. Such delegation will be in writing, signed by the City Manager and shall be in the form of a Directive. See EPM 1.3- Implementation & Dissemination a copy of which will be provided to the Human Resource Director to keep with the formal copy of this manual.



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1.3	Implementation & Dissemination
<u>Issued:</u> 1/16/09 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-3

A. POLICY

- 1. Municipal Code Provisions.** [Chapter 3 of the City of Surprise Municipal Code](#) contains the overall policy of the Mayor and City Council to guide and determine present and future personnel-related decisions of the City. The Mayor and City Council have the sole, exclusive right and authority to create and issue these code provisions.
- 2. Employee Policies.** Employee policies contained in this policy manual are the specific processes, rules, and courses of action by which employment provisions of the Municipal Code are carried out by the City Manager. Employee policies cover topics including, but not limited to: obligations and responsibilities in matters of employment; professional and personal conduct; hours of work, attendance and leave; classification and compensation; performance management; benefits; safety and health; employee development and dispute resolution. Employee policies provide guidance for daily administration by expanding and explaining certain procedures or other information instructive to carrying out the Council-adopted Code provisions.
- 3. Employee Procedures.** Employee procedures are instructions or series of steps to be followed in order to comply with a policy. Employee procedures often contain links to approved City forms, related laws or regulations, and other information which are intended to assist the reader in complying with the policy. The City Manager is responsible for implementing, communicating, and enforcing all City wide employee policies, and for creating, implementing, and communicating procedures to assist employees with complying with them. Unique department policies and procedures that are more restrictive than those contained in this manual due to the operational needs of the department are authorized. Personnel related policies and procedures are subject to the review and approval of the Human Resources Director.
- 4. City Manager Directives.** City Manager Directives are orders from the City Manager that augment this policy manual. Such directives must be in writing and are usually, but not always, procedural in nature or of limited duration.

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Delegation of City Manager Authority shall be made by Directive. [See EPM 1.2 – Management Authority.](#)

5. **Availability.** This manual is maintained and updated by the Human Resources Department and is available in electronic format on the City’s intranet.
6. **Employee Responsibilities.** All employees are responsible for familiarizing themselves with this manual, as well as other pertinent policy and procedure specific to their department. Employees must seek clarification of any provision, section or policy which the employee believes is unclear or which the employee does not understand. The City will make reasonable efforts to notify employees of any changes made to this manual, but it is the employee's responsibility to be familiar with and follow current employee policies.
7. **Management Responsibilities.** Management level employees and other City employees responsible for administering these policies shall be thoroughly familiar with such, properly administer each, and ensure that subordinate personnel follow same.
8. **Department-Specific Procedures.** After approval of new or amended EPM section(s) by the City Manager, each department shall prepare any necessary department-specific policies or procedures not inconsistent with the EPM.

B. PROCEDURE

1. **Municipal Code.** Amendments to Chapter 3 of the Surprise Municipal Code can be made only by a majority vote of the Mayor and Council during a properly noticed public meeting. Proposed changes must be submitted to the City Attorney’s Office through a [Request for Legal Services.](#)
2. **Employee Policies.** Amendment to the EPM shall be made only by the City Manager. Proposed changes to any policy must be submitted through the Human Resources Department who will assure any proposed changes are consistent with City Code and presented to the City Manager for consideration. [See Policy 1.4, Amendment.](#)
3. **Maintenance /Acknowledgment.** The Human Resources Director shall keep and maintain the EPM in hard copy, which shall constitute the official EPM, consistent with the Arizona public records law. The official copy of the EPM shall consist of the policies comprising the EPM signed by the City Manager. The Human Resources Director shall assure that the electronic version is a true and accurate copy of the EPM. The Human Resources Director shall provide department directors and Appointed Officials with instructions concerning the existence, location and procedures to access the EPM. Department directors shall provide each employee under their supervision with ample opportunity to read the EPM and amendments thereto. Each employee shall evidence receipt

and acknowledgment of the manual no less than annually by signing an [Acknowledgement Form](#) and delivering such to the Human Resources Department.

4. **Department-Specific Procedures.** Department directors are hereby authorized and directed to prepare any necessary department-specific procedures that are consistent with the policies and procedures contained in this manual. Any such department-specific policy or procedure related to personnel shall be submitted by the department director to the Human Resources Director for review for compliance and consistency with this manual. Department procedures which are operational in nature and not related to personnel are not required to be reviewed or approved pursuant to this section. Department specific policies shall include the manner of publication to the employee and confirmation of receipt no less than annually. Proof of receipt and acknowledgement shall be forwarded to Human Resources and included in the employee's personnel file.
5. **City Manager Directives.** City Manager directives must be in writing, signed by the City Manager. Copies of all City Manager Directives shall be kept and maintained with the official copy of this manual by Human Resources.



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1.4	Amendment
<p><u>Issued:</u> 1/16/09</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law:</u> SMC Sec. 3-3</p>

A. POLICY

- 1. Substantive Changes.** Changes within the organization, to the Municipal Code, or in other applicable laws may necessitate changes to this manual. Substantive changes to this manual, those changes which create and define rights and duties, may only be made by a written amendment signed in advance by the City Manager.
- 2. Non-Substantive Changes.** Non-substantive changes (those changes which do not create or define a right or duty), such as correcting typographical errors, changing, adding or deleting a document, policy, statute, or law linked to a policy on the web page, may be made by the Human Resources Director without the advance written approval of the City Manager.

B. PROCEDURE

- 1. Amendment After Legislative Action.** Every action taken by the State Legislature and/or City Council shall be reviewed by Human Resources to determine whether an amendment to this manual is necessary. The Human Resources Director shall prepare any necessary changes for City Manager consideration.

All signed amended policies shall be placed in the master volume of this manual maintained by Human Resources and updated on the intranet.

- 2. Notice/Training.** Every employee of the City shall receive notice of any amendment to this manual within 30 days of the effective date and shall be provided training on any substantive changes within 90 days of the effective date. Training shall be conducted by each respective department in cooperation with the Human Resources Department. Evidence of receipt of policy amendments and training shall be maintained by the Human Resources Department.



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1.5	Definitions
<u>Issued:</u> 1/16/09 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3.3

A. POLICY

Unless otherwise indicated, the following definitions apply to the below-listed terms when used in this manual:

1. **Accrual-** The periodic and incremental accumulation of time or wages.
2. **Active Pay Status-** The status designation for any period of time when an employee is eligible to receive pay directly from the City and includes, but is not limited to: hours worked, paid time off (PTO), and paid leave.
3. **Adequate Rest Period-** A period of not less than eight hours between work periods while an employee is on travel status.
4. **Administrative Leave With Pay-** Paid leave given at the discretion of, usually granted during an investigation into improper conduct.
5. **Appointed Official-** An employee of the City appointed by the Mayor and City Council. Appointed Officials include the City Manager, City Attorney, Presiding Judge, Associate Judges, and City Clerk.
6. **Arizona Revised Statutes (ARS)-** Laws adopted, enacted or amended by the Arizona State Legislature, and cited in this manual as "ARS."
7. **Arizona State Retirement System (ASRS)-** State agency created in 1953 to provide retirement benefits, long- term disability benefits and other benefits to employees of the state, counties, municipalities, universities and community colleges, school districts and other political entities.
8. **At-Will Employment-** The status of an employee who serves at the discretion of the City Manager and may be terminated from employment with or without notice and with or without cause, with no right of appeal.

1.5	Definitions	Last Amended: 8/12/13
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- 9. Base Rate** - The basic hourly rate (or hourly equivalent) applicable to an employee and does not include any additional or special pay that may be applicable to work performed by an employee.
- 10. Benefit/s** – Nonmonetary programs made available to eligible employees the cost of all or part of which may be born by the City. [See EPM 6.1- Benefits Programs.](#)
- 11. City**- The City of Surprise, Arizona.
- 12. City Business**- Business directly related to the City, an employee’s performance of job duties, or participation on boards affecting or dealing with City functions.
- 13. City Manager**- The chief executive officer of the City who is appointed by the Mayor and City Council pursuant to Municipal Code Section 2-145. As used in this manual, the term “City Manager” may also mean one or more subordinate management employees designated by the City Manager to perform a specific management function on behalf of the City Manager, sometimes referred to as “designees.”
- 14. City Service**- An amount of time measured from the employee’s original hire date as a regular employee, so long as there has not been a break in service greater than 30 days. Employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked (i.e., the break time is not counted unless required by law). Employees with a break in service greater than one year receive credit for service only from their most recent hire date. Employees who are rehired by the City after retiring under the provisions of ASRS/PSPRS shall not receive credit for their service prior to rehire for determining City service.
- 15. Classified Employee/Classified Service**- Employee positions with the City other than appointed/elected officials and those designated as non-classified.
- 16. Job Classification**- The grouping of one or more positions that involve similar duties, responsibilities, and qualifications, and which can properly be described by a common job title and description, based on The Decision Band Method™ of job evaluation.
- 17. Code of Federal Regulations (CFR)**- Repository of regulations adopted by one or more federal agencies and codified in final form.
- 18. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)**- Federal law which provides employees and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time. [See EPM 6.3 - Continuation of Health Insurance Coverage \(COBRA\).](#)

1.5	Definitions	Last Amended: 8/12/13
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- 19. Corrective Action-** The supervisory techniques of documented oral counseling, written reprimand and formal disciplinary action. See [EPM 10.1 – Corrective Action Principles](#).
- 20. Day(s)-** Means calendar days unless otherwise denoted.
- 21. Designee-** Employee authorized to perform a function with or on behalf of another employee.
- 22. Director-** Means the head of a department and includes any appointed official who serves as a department director (e.g. Presiding Judge, City Attorney).
- 23. Domestic Partner-** An individual of the same or opposite gender who cohabitates with an employee and who is eligible for health insurance benefits on the same basis as married dependents.
- 24. Employee-** A person working for the City for compensation who occupies a position subject to appointment, promotion, demotion, or removal by an Appointed Official or city council.
- 25. Exempt Employee-** An employee who, due to the nature of the duties of their employment position with the City, has been determined to be exempt from the minimum wage and overtime provisions of the FLSA.
- 26. Fair Labor Standards Act of 1938 (FLSA)-** Federal law that provides minimum standards for both wages and overtime entitlement and describes administrative procedures by which covered work time must be compensated.
- 27. Family and Medical Leave Act (FMLA)-** Federal law which allows eligible unpaid leave related to the medical care for the employee or employee’s family member. See [EPM 5.7- Family and Medical Leave](#).
- 28. Fiscal Year-** As applied to the City, the one year period from July 1 to the following June 30.
- 29. Hiring Authority-** A management level employee who is authorized to make decisions regarding the recruitment, selection and hiring of employees by an appointed official or designee.
- 30. Municipal Code-** The Surprise Municipal Code, also known as The Code of Ordinances, City of Surprise, Arizona.
- 31. Non-Classified Employee-** Non-classified employees are at-will employees and may be terminated from employment with or without notice and with or without cause, with no right of appeal. Non-classified employees are:
- a. Assistant and deputy city managers;
 - b. Executive administrative assistants;

1.5	Definitions	Last Amended: 8/12/13
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- c. All employees in the office of the city manager;
- d. All department director/assistant department director positions;
- e. All division and other manager positions;
- f. All employees in the city attorney's office/legal department;
- g. Classified employees in their introductory period of employment;
- h. All employees meeting the definition of supervisor per city policy;
- i. Fire and police cadets; and
- j. Part-time, intermittent, temporary, seasonal, and intern employees-;
- k. All employees in the Mayor or Council Office;
- l. All employees in the Human Resources Department;

32. Non-Exempt Employee- An employee who, due to the nature of the duties of their employment position with the City, has been determined to be non-exempt from (covered by) the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

33. Personnel File- The hard copy and/or digital file maintained by the Human Resources Department which contains all original personnel-related information for each City employee.

34. Public Safety Personnel Retirement System (PSPRS)- State agency created in 1968 to provide retirement benefits to public safety personnel.

35. Regular Rate- The hourly rate of pay that includes an employee's base rate plus all specialty pay and bonuses that must be included in overtime pursuant to Federal, State, or Local law, or City policy.

36. Relative- Spouse, domestic partner, child (including step, in-laws, and foster), sibling (including step, in-laws, and foster), parent (including step, in-laws, and foster), grandparent, uncle, aunt, niece, and nephew.

37. Resignation- A separation from service initiated by the employee.

38. Separation From Service- Ending employment with the City.

39. Specialty Pay- Pay given eligible employees for a special duty or assignment. See [EPM 4.9 - Specialty Pay](#).

40. Supervisor- A management level employee whose job description includes the authority to manage work assignments of another.

41. Sworn Personnel- Individuals hired into certified public safety positions. (e.g. police officers, fire fighters, etc).

42. Termination- A separation from service initiated by the City.

43. Working Day - A day on which City Hall is open for business.



EMPLOYEE POLICY MANUAL

2.1	Qualifications for Employment
<u>Issued:</u> January 15, 2009 <u>Last Amended Date:</u> March 1, 2016	<u>Applicable Law/Statute:</u> ARS 41-1461 to 1465; SMC Secs. 3-30 & 3-35

A. POLICY

1. **Generally.** Selection of persons for employment positions with the City of Surprise shall be made on the basis of each applicant's knowledge, skill, ability, education, and experience as they relate to the position being filled. No employment decision shall be based upon race, color, religion, sex, national origin, age, or disability, except where such criteria constitute a bona fide occupational requirement. [See EPM - 2.4, Recruiting, Selection and Hiring.](#)
2. **Minimum Educational/Experience.** Certain employment classifications with the City have specified educational/experience requirements to be eligible for employment. No exceptions for such requirements may be made or reduced, nor conditional appointment to the position made dependant on obtaining such minimum education/experience requirements. Applicants who do not satisfy the minimum educational or experience requirements are ineligible for the position.
3. **Required Licenses/Certifications.** Certain employment classifications with the City require that an applicant possess a motor vehicle operators' license, commercial drivers' license, surety bonding, or other license or certification to be eligible for consideration for employment. Licensing and certification requirements for each position are set forth in the job description and no such requirements may be waived or conditional appointment to the position made dependent on obtaining such license/certification. Failure to retain required licensing and certification requirements for a position would render an employee ineligible for continued employment, due to failing to meet the minimum requirements of their job.
4. **Competitive Process.** Positions with the City will be filled using a competitive process consistent with [EPM 2.4 - Recruiting, Selection and Hiring.](#) Positions will not be filled based, in whole or in part, on the status of the applicant as a relative or friendship/relationship with any City employee, Appointed Official or Council Member. [See also EPM 2.2 - Nepotism.](#)



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2.2	Nepotism		
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> ARS § 38-501, et. seq.	<u>Source Doc/Dept.:</u> None/HR	<u>Authorizing M.C. Sec:</u> Sec. 3-34

A. POLICY

1. **Generally.** All employment decisions shall be based on merit and the business needs of the organizations. No employment decision or action may be based, in whole or in part, on personal or familial relationships. Employees involved in employment decisions must comply with [EPM 9.2- Conflict of Interest](#).
2. **Chain of Command Integrity.** No person shall be eligible to be selected, promoted, or transferred into an employment position with the City which would result in the person supervising or being supervised (immediate supervisor or in direct chain of command) by a relative, or a person with whom there is a consensual sexual or romantic relationship with another employee (“consensual relationship”).
3. **Created Relationship.** If, after employment, two employees within a direct chain of command become relatives or enter a consensual relationship, the City will attempt to accommodate this newly-created relationship if such accommodation can be done without impairing City operations, or violating the law. Efforts to accommodate the relationship may include, but not be limited to, assigning the employees to work different shifts, assigning different supervisors to each employee, reassigning the employees so that one does not supervise the other, etc.
4. **Notice.** Employees who begin or who are contemplating entering into a familial or consensual relationship as defined by this policy must provide their immediate supervisor with notice in order for the employee’s department director, in conjunction with the Human Resources Department, to determine if and how such relationship may be accommodated pursuant to this policy.

B. PROCEDURE

1. On a case-by-case basis, the City Manager or designate will determine which, if any, efforts to accommodate a newly-created relationship can be undertaken, and will inform the affected employees of the decision. If the City Manager determines that the City cannot accommodate the new relationship between the employees, then one or more of the employees shall be transferred to a vacant

position in a different department or division for which the employee(s) are qualified and able to perform the duties thereof. Compensation will be adjusted consistent with [EPM 4.1 – Compensation](#).

2. If there is no immediately vacant position to which either employee may be transferred, then one of the employees, as determined by the City Manager, will be laid-off and subject to [EPM 3.10 – Reductions in Force](#).

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2.3	Employment Categories
<i>Issued:</i> January 16, 2009	<i>Applicable Law/Statute:</i> Sec. 3-15
<i>Last Amended Date:</i> August 12, 2013	

A. POLICY

- 1. Employment Categories.** All employment positions with the City fall into one of four employment categories. Elected Officials; Appointed Officials; Non-Classified Employees; or Classified Employees. [See EPM 1.5 - Definitions.](#)
- 2. Scheduling Categories.** All employment positions with the City also fall into one of the following defined scheduling categories:
 - a. Full-time - A position scheduled to work at least 32 hours per week on a regularly scheduled basis.
 - b. Part-time - A position scheduled to work less than 32 hours per week on a regularly scheduled basis.
- 3. Duration Categories.** All employment positions with the City also fall into one of the following defined duration categories:
 - a. Regular. A position requiring a regular schedule of at least 26 bi-weekly pay periods in a calendar year.
 - b. Temporary. A position in which an employee works on a full or part-time basis for a fixed period of time.
 - c. Seasonal. A position which works a full or part-time schedule on a recurring, inconsistent basis.
 - d. Intern. A position with a part- or full-time schedule which is related to the course of study of a student who is currently enrolled at a recognized post-secondary educational institution. Such employment is limited in duration as specified in advance and for the purpose of working on a specific project(s) or task(s) generally related to the education program.
- 4. Contract Employment.** Positions whose compensation and or benefits differ from those in this manual will be employed under a contract of employment. Use of contract employees is not preferred and the use of such employees must be approved in writing by the hiring authority. Employment contracts, like all other contracts, must be reviewed and approved as to form by the City Attorney's Office.

B. PROCEDURE

1. **Notice.** Employees shall be informed in writing of their employment, scheduling and duration statuses prior to beginning employment in any new or promoted position. No person shall be processed through Human Resources until a letter, indicating these statuses, signed by the hiring authority, is received by the Human Resources Department.
2. **Contract Employees.** Employment contracts must be submitted to the City Attorney's Office for review using a [Request for Legal Services](#) along with the City Manager's written approval and the contract approved by the City Attorney's Office prior to such being signed by either the prospective employee or the hiring authority.



EMPLOYEE POLICY MANUAL

2.4	Recruiting, Selection & Hiring
<i>Issued:</i> January 16, 2009 <i>Last Amended Date:</i> August 12, 2013	<i>Applicable Law/Statute:</i> SMC Sec. 3-30

A. POLICY

- 1. Generally.** Vacant employment positions in the City are filled through a competitive external recruitment process according to merit and fitness, meaning selection and promotion shall be based solely on the most qualified applicant/employee meeting the minimum job-related qualifications and possessing the knowledge, skills and ability to perform the essential functions of the position as ascertained through job-related selection methods. [See EPM 2.1, Qualifications for Employment.](#) Where appropriate merit and fitness will be determined through an examination process which may include written, verbal or skill assessment. This policy does not apply to positions subject to Recall pursuant to [EPM 3.10- Reductions in Force.](#)
- 2. Vacancy Committee.** The City Manager may create a Vacancy Committee to review the ongoing need for vacant positions within the City. The creation, duration and guidelines will be established through City Manager Directive pursuant to [EPM 1.3 – Implementation and Dissemination.](#)
- 3. Recruitment.** The Human Resources Department shall prepare all recruitment announcements for vacant positions. Except as otherwise provided in this policy, no other department is authorized to advertise, accept or maintain records for City recruitments. Announcements shall summarize job duties and responsibilities, salary information, specific minimum qualifications, the period during which applications may be submitted to the Human Resources Department, and any information concerning the format content, date, time and place of examinations if applicable. Announcements shall be advertised as determined by the Human Resources Director.
- 4. Promotional Opportunities.** Opportunities of employees to move to a higher classified position will be competitively recruited in accordance with this policy. An employee who is a successful candidate must complete a trial period in accordance with [EPM 3.4 – Trial Periods.](#) An employee who accepts a new position that is non-classified voluntarily relinquishes all rights that may exist for individuals in classified positions; including protections afforded under Municipal Code Section 3-40 Corrective Action *et. seq.*

5. ADA Accommodations.

- a. An applicant for employment with the City who believes they are a qualified individual with a disability may request a reasonable accommodation in the application and selection process by notifying the Human Resources Department using the telephone or TTY number or address on the job announcement as soon as the applicant is aware that an accommodation may be needed. It is the responsibility of the individual with a disability to inform the City that an accommodation is needed.
- b. Once a preferred applicant for a vacant position with the City is selected, the City may inquire whether the candidate requires an accommodation to perform the job. If so, the candidate may request a reasonable accommodation by submitting an [Accommodation Request](#) to the Human Resources Department.

6. Screening of Applications. The Human Resources Department shall screen all employment applications and reject any application not properly completed, not submitted within the prescribed time period, or not meeting minimum qualifications. Applications successfully passing the screening process shall be forwarded to the hiring authority for further review and evaluation.

7. Evaluation of Applicants. The hiring authority shall utilize the established screening criteria for the vacancy and review the candidates based on those who possess desired trainable skills to narrow the pool of qualified applicants down to the number of candidates to be interviewed and/or assessment tested. The hiring authority shall select highly qualified candidates for interview pursuant to this EPM. The hiring authority will notify the Human Resources Department if the pool of applicants is too deficient in number or quality to select an adequate number of candidates for interviews. The hiring department and Human Resources Department will then work cooperatively to determine whether or not to reopen the job posting, elect to not fill the position, or how to otherwise meet the needs of the Department consistent with the EPM.

- 8. Disqualification.** Otherwise qualified applicants shall be eliminated from consideration if it is determined that the applicant:
- a. Made a false statement or omission of material fact on the employment application or other hiring documents;
 - b. Has committed or attempted to commit a fraudulent act or deception at any stage of the recruiting, selection, or hiring process; or
 - c. Was previously employed by the City and was terminated for just cause or is otherwise not eligible for rehire pursuant to [EPM 3.11 - Separating from Service](#).

A violation of this section shall result in disqualification from recruitment regardless of when such violation is discovered. Applicants for employment who violate this section shall also be barred from consideration for future employment with the City.

9. Competitive Examination. For certain positions in the City, merit and fitness may be determined through a competitive examination process. In such case, the Human Resources Department, working with the department for which the competitive examination is being given, shall develop appropriate merit and fitness examinations and assessment devices and determine the appropriate content and combinations of selection and evaluation instruments or processes, the method of scoring examinations, and the relative weight(s) of examination mechanisms or segments of examinations.

A. **Examinations.** Competitive examinations may consist of, but are not limited to, any one or more of the following: written examinations, performance assessments, oral examinations, experience and competency ratings.

B. **Eligibility Lists.** The Human Resources Department may prepare eligible lists based on the results of competitive examination process. In such cases, candidate's names shall be placed on the eligible list in rank order, by final rating. The name of the candidate receiving the highest passing rating will be at the top of the list and subsequent candidates with passing ratings shall be listed in descending order. If an eligible list exists for a position that becomes vacant, the Human Resources Director shall provide the hiring authority the names from the eligibility list; the top 3 candidates for a promotion and no more than the top 10 candidates for initial appointment.

10. Police Department Recruitments. The Police Department is authorized to create a department specific policy/procedure regarding the recruitment process for law enforcement personnel that comply with the Arizona Peace Officer Standards and Training (AZ POST) and the Commission on Accreditation for Law Enforcement Agencies (CALEA) requirements. The internal policy/procedure may require the acceptance and maintenance of records beyond those maintained by the Human Resources Department, such as providing AZ POST background Investigation files.

11. Public Safety Lateral Candidates. Candidates from other jurisdictions with training and experience in positions similar to positions in the City may possess unique and exceptional qualifications and experience for which it is impracticable to ascertain the merit and fitness of such candidates through competitive examinations. Those qualifications which are impracticable to test for include, but are not limited to, past performance, behavior and demonstrated success in such positions. At the direction of the department director/chief, the Human Resources Director may establish criteria for trained candidates to qualify for consideration

and selection under a lateral entry process which shall allow for the creation of an eligible list of lateral entry candidates. When a position to be filled by competitive examination becomes vacant and an eligible list of trained lateral entry candidates exists for that position, the Human Resources Director shall provide the names of qualified lateral entry candidates to the hiring authority.

12. Interviews and Assessment Tests. The hiring authority shall assemble an interview panel that includes at least one person from outside the division/department to conduct interviews. The Human Resources Department will assist the interview panel in preparing for and conducting candidate interviews. In addition, the Human Resources Department will review any skill demonstration test or exercise which the department desires to use (typing test, written exercise, mock presentation, etc.) to ensure validity, reliability, and compliance with applicable laws and policies. Interviews shall be conducted using documented forced ranking unless the department has an alternated department-specific procedure, approved by Human Resources, prior to recruitment beginning.

13. Selection. Unless an alternative selection process is outlined in a department specific policy/procedure, approved by Human Resources as required by [EPM 1.3 Implementation & Dissemination](#), the following selection process will be used.

In the event the interview panel, by consensus, determines that none of the interviewed candidates will satisfy the needs of the hiring department, the hiring department and Human Resources Department will then work cooperatively to determine whether or not to reopen the job posting, elect to not fill the position, or how to otherwise meet the needs of the Department consistent with the EPM. In all other instances, the interview panel must rank applicants after each completed interview. Applicants receiving the highest ranking after interviews shall be selected to fill the vacancy. In the event the interview panel is unable to come to a consensus regarding the highest ranked candidate after interview, the hiring authority will select the successful candidate from those most highly scored candidates as determined by the interview panel.

14. Records. The Human Resources Department is responsible for keeping and maintaining records reflecting the disposition of all vacancies. Such records shall be kept in accordance with the Arizona municipalities' records retention and disposition schedule.

B. PROCEDURE

1. Guide. The "[City of Surprise Department Guide to the Selection Process](#)" contains the detailed processes and forms used by the Human Resources Department to assist departments with employee recruitment, selection and hiring.

- 2. Initiating Recruitment.** Recruitment is begun when a department submits a requisition to fill an approved vacancy in SOAR (Surprise Online Applicant Recruiting). Interview questions and interview panel members should be forwarded to Human Resources or they may be included in the requisition. The department designate may find the requisition process and directions in the Department User Guide online at <http://www.surpriseaz.gov/soar>. Generally requisitions must be approved by the Department Head and Finance prior to job announcement by Human Resources. Departments are encouraged to contact Human Resources to discuss recruitment specifics.
- 3. Selection Records.** At the close of the recruitment and selection process, certain interview and selection documents must be retained. Within 2 days following completion of final interviews, all interview materials will be forwarded to Human Resources. Interview materials will be scanned electronically and attached to the recruitment. Interview materials include any screening and selection criteria applied to each applicant; interview questions and notes on the applicants' responses from all interview panel members; record of the disposition (initiated in SOAR) of each applicant (e.g., reason for non-selection: not qualified, withdrew or declined interview, could not contact, poor references; or hired); and forced ranking documentation.



EMPLOYEE POLICY MANUAL

2.5	The Job Offer Process
<u>Issued:</u> January 16, 2009 <u>Last Amended:</u> March 1, 2016	<u>Applicable Law/Statute:</u> SMC Sec. 3-30

A. POLICY

1. **Offers of Employment.** Offers of employment shall be made in person by the Hiring Authority, in cooperation and coordination with Human Resources, consistent with this EPM.
2. **Compensation.** Prior to the meeting with the selected candidate the Hiring Authority shall obtain the appropriate compensation information from Human Resources consistent with [EPM 4.1- Compensation](#). Any discretionary reimbursements (moving expenses, temporary living expenses, etc.) must also be approved in advance.
3. **Content of the Offer.** At the meeting with the selected candidate the Hiring Authority (and a Human Resources Department representative if requested) shall provide a written, contingent offer of employment to the candidate. The offer shall include:
 - a. Position's **Job Title** and department;
 - b. Salary or hourly rate of pay, as applicable;
 - c. Anniversary date;
 - d. Benefit package and eligibility date(s);
 - e. Details of any approved reimbursements;
 - f. Contingencies, to include: drug screen, background check, and records check;
 - g. First day of work and New Employee Orientation schedule; and
 - h. Employment Orientation Workbook with enrollment forms and completion instructions.
 - i. Necessary authorizations/releases.

j. Disclosure and Authorization Form.

The authorizations and releases required to perform background and records checks shall be completed and signed by the candidate at the meeting. The completed job offer documentation shall be forwarded to Human Resources immediately following acceptance.

B. PROCEDURE

1. **Selection Notification.** Upon the completion of interviews and/or assessment testing, the Hiring Authority or designated liaison shall register the selection of the successful candidate in SOAR. The SOAR system will generate a notification to the Human Resources Specialist assigned to the department. This notification will initiate the offer process.
2. **Offer Process.** The offer process includes but is not limited to the following:
 - a. Human Resources prepares a contingent offer letter and provides it, the Orientation Workbook, Orientation schedule and appropriate forms to the Hiring Authority;
 - b. The Hiring Authority must sign the contingent offer letter prior to presenting it to the successful candidate. By signing the contingent offer, the Hiring Authority approves the information contained in the offer and certifies that it is accurate.
 - c. The Hiring Authority conducts an in-person meeting with the successful candidate, presents the contingent offer of employment and obtains a copy signed by the candidate. The Hiring Authority then reviews the Orientation Workbook, Orientation schedule and appropriate forms with the candidate;
 - d. The Hiring Authority then directs the candidate to the appropriate drug screening and fingerprinting facilities;
 - e. The Hiring Authority must forward a copy of the offer letter, signed by the Hiring Authority and Candidate to Human Resources.
 - f. The Hiring Authority must forward all new hire paperwork to Human Resources;
 - g. Human Resources prepares and sends the appropriate notices to the unsuccessful applicants; and
 - h. Human Resources archives the eligible and referred lists.
3. **Use of SOAR.** Please refer to the "Offer" process in the [SOAR Workflow](#).



EMPLOYEE POLICY MANUAL

2.6	Background Verification
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> March 1, 2016	<u>Applicable Law/Statute:</u> 15 USC § 1681 <u>et seq.</u> ARS § 41-1330 <u>et seq.</u> SMC Sec. 3-30

A. POLICY

1. **Generally.** All candidates selected for employment with the City, as well as re-hires with any break in service, must undergo a background investigation pursuant to this policy immediately following acceptance of an offer of employment. [See EPM 2.5 – The Job Offer Process.](#)
2. **Volunteers.** Individuals volunteering for the City must be screened for legal status and criminal history, and any other background verification that may be required by the department for whom the volunteer will work, prior to beginning volunteer work with the City. [See EPM 7.8 – Volunteer Management.](#)
3. **Beginning Work.** No employment candidate should begin work for the City until the required screenings have been completed. The background investigation may reveal certain information that may disqualify the candidate from employment. Special circumstances may, on occasion, require a candidate to start work before all background checks are completed. Such exceptions may occur only with the prior written approval of the Human Resources Director.
4. **Negative Findings.** Employment candidates whose background investigation reveals information that may disqualify the candidate from employment must be reviewed by the Human Resources Director in compliance with the Fair Credit Reporting Act (FCRA). Access to the background investigation shall be limited to the Human Resources staff members conducting or coordinating the background investigation(s). Nothing in this section, however, will prohibit police department personnel from complying with background investigations by law enforcement organizations as required by the Arizona Police Officers Safety and Training board.
5. **Confidentiality.** Background information shall be handled by the Human Resources Department with the strictest confidence and shall not be revealed to any other person without permission of the Human Resources Director or City Attorney, unless required by law.

- 6. Fair Credit Reporting Act (FCRA) Compliance.** The City shall comply with FCRA. The FCRA is intended to give a candidate for employment the opportunity to correct any factual errors in the candidate's consumer report, as defined in the FCRA, before an adverse employment action is taken. The candidate must be provided notice of any disqualifying information revealed by the consumer report, including, but not limited to, credit history information, and a reasonable period of time to correct discrepancies.
- 7. Notification and Authorization.** Candidates will be informed by the Hiring Authority during the job offer meeting, and in their contingent offer letter, that selection is subject to successful completion of a background investigation. The Human Resources Director or designee will initiate all background investigations.
- 8. Collecting Background Information.** The Human Resources Director will conduct or arrange for the following pre-employment background checks on all candidates to include:

 - a. Social security number verification;
 - b. Prior employment verification;
 - c. Education verification (highest level);
 - d. Residence verification;
 - e. Criminal background investigation - local, state, & federal;
 - f. Sexual offender database search.
 - g. Professional or other licensing/certification verification.
 - h. [Secondary Employment Notification request](#).
 - i. Other background information as required for the position or by law.
- 9. Additional Checks.** In addition, candidates may also be subject to any of the following additional types of checks, depending on the requirements of the position:

 - a. Motor vehicle record check pursuant to the [City of Surprise Fleet Policy](#);
 - b. Professional reference checks;
 - c. State/federal civil litigation, liens & judgments;
 - d. Credit verification;
 - e. Corporate filing and status search;
 - f. Media search;
- 10. Use of Background Information Results.** Listed below are examples of factors that may disqualify a candidate for employment, at the discretion of the Human

Resources Director. Material errors/omissions will result in disqualification from employment. This is not an all inclusive list, merely examples:

- a. Inconsistent information contained in the application in comparison to the background investigation results (e.g., significant differences in prior employment dates, education obtained, or licenses held, etc.)
- b. Omissions of significant information by the candidate (e.g., failure to disclose being dismissed for cause or loss of certifications required for the position, etc.)
- c. Failure to disclose significant background information (e.g., felony or misdemeanor convictions; unsatisfactory job performance on a prior job; poor attendance or disciplinary problems on a prior job, etc.).
- d. Misrepresentation of material information (e.g. purporting to have a degree, certification, or license that the applicant/employee does not have including certification/license that has been inactive or suspended, regardless of whether such a license is required for the position).

B. PROCEDURE

1. **Fair Credit Reporting Act (FCRA) Compliance.** When the City receives information in a consumer report that will disqualify a candidate from consideration, the Human Resources Department will comply with the following FCRA protocol:
 - a. The candidate shall be sent a letter from the City's background investigation vendor via email and regular mail notifying them that the City has received disqualifying information from the consumer report.
 - b. A copy of the report and a summary of the candidate's rights under the FCRA shall be attached to the letter. The notification shall be sent to the candidate before any adverse employment action may be taken based on the consumer report.
 - c. After five business days, barring the receipt of any new information that changes or clarifies the consumer report and eliminates any discrepancies, the City's background investigation vendor shall send the candidate a second letter rejecting the candidate based on the disqualifying information generated by the consumer report.
2. **Record Retention and Disclosure.** All information obtained as part of a background investigation shall be held in the strictest confidence. Documentation shall be retained for the appropriate retention period for employment records per the [Arizona Municipalities Records Retention and Disposition Schedule](#). Such records shall not be included in an employee's personnel file.

2.6	Background Verification	Last Amended: 3/1/16
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3. Use/Review Criminal Background Information:

- a. Criminal Convictions: The existence of a criminal conviction does not automatically disqualify a candidate from employment. The City will consider factors that include, but are not limited to:
 - i. The nature and number of convictions;
 - ii. The dates of convictions;
 - iii. Whether the offense was committed as a minor for which proceedings were held under the jurisdiction of a juvenile or an adult court;
 - iv. The relationship between the criminal offense and the duties and responsibilities of the position
 - v. The risk to the safety and welfare of specific individuals or the general public or property;
 - vi. Whether the candidate has been pardoned or if the sentence has been commuted or reversed on appeal;
 - vii. The candidate's employment history since the conviction.

The decision to accept or reject the candidate will be made in collaboration with the Human Resources Director and the affected Department Director. Notification of rejection of employment will be sent via registered mail and will specifically describe the evidence presented and state the reason(s) for disqualification.

- b. Pending Criminal Charges: If the City becomes aware that the candidate has criminal charges that are currently pending, but no court disposition has yet been made, the City shall assess the criminal charges on a case-by-case basis to determine if the charges are job-related and what impact, if any, such should have on the contingent job offer.

4. **Credit History.** An applicant's credit history shall be reviewed as it relates to jobs requiring financial responsibilities. An applicant's credit history shall be considered in conjunction with all other factors disclosed by the background investigation and shall not be the sole determining factor in denying employment.



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2.7	Medical Examinations
<p><i>Issued:</i> January 16, 2009</p> <p><i>Last Amended Date:</i> August 12, 2013</p>	<p><i>Applicable Law/Statute:</i> 49 CFR 40; 49 CFR 382; 49 CFR 655; 29 CFR 1910.134; SMC Sec. 3-30</p>

A. POLICY

- 1. Generally.** The City may require an appropriate medical examination as a condition of continued employment to determine whether an employee or selected employment candidate can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary.
- 2. Examinations.** Examinations shall be conducted by a qualified licensed practitioner who shall determine in writing whether the employee can perform the essential functions of the job as identified, and if not, what reasonable accommodation, if any, the applicant would require in order to perform the essential functions.
- 3. Drug Screens.** Tests to determine current use of illegal drugs are conducted pursuant to [EPM 7.5 - Controlled Substance Testing](#).

B. PROCEDURE

- 1. Generally.** After determination that a medical/fitness for duty examination is appropriate, Human Resources shall contact a qualified licensed medical/mental health practitioner to schedule an examination. Human Resources shall provide such practitioner with the essential job functions of the position, as described in the applicable job description. Human Resources shall provide the employee with written instructions regarding the time, place and location of the examination.
- 2. Police Employees.** Police Department personnel will be given a psychological examination to determine their emotional stability and psychological fitness for police work and shall have a medical examination meeting the standards of [Section R13-1-107 of the Arizona Peace Officer Standards and Training Board \(AZPOST\)](#) upon hire.
- 3. Certified Fire Department Employees.** Certified fire personnel will be given a psychological examination to determine their emotional stability and psychological fitness for fire work and shall have a medical examination in

accordance with [National Fire Protection Association \(NFPA\) 1500](#) and [OSHA Respirator Standards 29 CFR 1910.134](#) pertaining to wearing Self-Contained Breathing Apparatus (SCBA) upon hire.

4. CDL/FTA Employees.

- a. Upon hire persons hired in positions requiring a valid Commercial Drivers License (CDL) shall complete the following forms:
 - i. [CDL/FTA Application for Employment](#)
 - ii. [Release of Information Form](#)
 - iii. Release and Documentation of Pre-Employment Testing Information
 - iv. [Pre-Employment Urinalysis and Breath Analysis Consent Form](#)
- b. If the candidate indicates on the application any previous employment in a safety-sensitive position within the previous two years, a copy of the [Release of Information Form](#) and Release and Documentation of Pre-Employment Testing Information shall be sent along with a [cover letter](#) to all such previous employers.
- c. The candidate shall be sent with a completed [Employer's Authorization for Examination or Treatment](#) and [Federal Drug Testing Custody and Control Form](#) to the City's contracted vendor for a DOT physical and drug and alcohol screen.

5. **Drug Test Procedure.** Certain employment positions with the City require passage of a drug screen as a condition of employment. The policy and procedure for drug screens is at [EPM 7.5 – Controlled Substance Testing](#).



EMPLOYEE POLICY MANUAL

2.8	Employment Eligibility/E-Verify
<i>Issued:</i> January 16, 2009 <i>Last Amended Date:</i> August 5, 2013	<i>Applicable Law/Statute:</i> 8 USC 1101; Ex. Order 12989; ARS § 23-214; SMC Sec 3-30

A. POLICY

1. **Generally.** In accordance with the [Immigration Reform and Control Act of 1986](#) and as a condition of employment, the City shall verify both the identity and the employment eligibility of all applicants considered for employment.
2. **Non-Discrimination.** It is the intention of the City not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise required by law. The City will not discriminate against any citizen or person intending to become a citizen in so far as that person has completed a declaration stating that such person intends to declare U.S. citizenship within six months of eligibility for naturalization.
3. **E-Verify.** The [Legal Arizona Workers Act](#) requires the City to use the [E-Verify Program](#), a federal government Internet-based system that allows it to electronically verify the employment eligibility of newly-hired employees. The program is used for all new hires. It is only used after hire and after completion of the Form I-9. The City will not use the E-Verify program to pre-screen applicants.

B. PROCEDURE

1. **Generally.** All candidates shall be required to complete the biographical information requested in Form I-9. The candidate shall attest that the candidate is eligible for employment and has presented authentic, original documentation of identity and employment eligibility.
2. **Documents.** The candidate shall furnish one of the documents listed in [Form I-9](#) in order to substantiate both the candidate's identity and employment eligibility.
3. **Under 18.** Persons under age 18 and who are unable to present a document listed in Form I-9 that establishes identity may submit a school record or report card, clinic, doctor, or hospital record or day-care or nursery school record.
4. **Post-Hiring Requirements:**
 - a. Within three business days after the appointment of the candidate, the Human Resources Director or designee shall physically examine the

- documentation presented by the new employee, and then complete the remaining portions of Form I-9.
- b. Human Resources shall retain Form I-9 **in accordance with applicable law.**
 - c. Form I-9 shall not be used for any purpose or provided to any agency or person except as required by law.
 - d. Should an employee be rehired or reinstated by the City within three years of the date the original I-9 was completed, the City may use the original Form I-9 and supporting documentation for the purpose of complying with the Act.

5. E-Verify Procedures.

- a. Upon receipt of a tentative non-confirmation, the City will provide the employee with a notice giving the employee the choice of whether or not to contest the tentative non-confirmation. If the employee chooses to contest, the employee must indicate such on the notice and return the signed notice to the City. Upon receipt of a signed notice contesting the tentative non-confirmation, the City will provide the employee with a referral notice instructing the employee to contact the Department of Homeland Security or Social Security Administration within eight federal work days from date of receipt.
- b. The City may terminate the employee only upon receipt of a final non-confirmation, or upon notice the employee has chosen not to contest the tentative non-confirmation.
- c. The City shall post a [notice](#) indicating its participation in the program and the [anti-discrimination notice](#) issued by the Office of Special Council for Immigration-Related Unfair Employment Practices (OSC).



EMPLOYEE POLICY MANUAL

3.1	Anti-Discrimination / Accommodation
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> 42 USC 2000e; 29 USC 201-219; 29 USC 621-634; 42 USC 1981; 42 USC 12101-12213; 29 USC 791-794 (a); ARS 41-1461 to 1465 SMC Sec. 3-4</p>

A. POLICY

1. **Generally.** The City is an equal opportunity employer. All employees and applicants for employment are recruited, evaluated, hired, promoted, transferred, demoted, disciplined, terminated or otherwise dealt with based solely on merit, fitness for duty and such other bona fide occupational qualifications as each individual might possess. No personnel decisions concerning any term or condition of employment will be based upon membership in a protected class, or asserting rights created by law, except where such criteria constitutes a bona fide occupational requirement.

2. Unlawful Discrimination

- a. The City prohibits unlawful discrimination and such will not be tolerated.
- b. Federal and state laws define unlawful discrimination as unequal treatment in a term or condition of employment because of one's membership in a protected category. Unlawful discrimination includes sexual harassment and harassment because of membership in a protected group. For purposes of this policy, unlawful discrimination also includes unequal treatment because an employee asserts a lawful right such as use of family medical leave, or military leave. The City is committed to taking all reasonable steps to prevent discrimination and taking necessary steps to stop any discrimination from occurring.
- c. Protected groups include gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, age, or genetic test results, or any other basis protected by federal, state or local law.
- d. Harassment for purposes of this policy includes:
 - i. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
 - ii. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures.

- iii. Physical conduct such as unwanted touching, blocking normal movement, or interfering with work because of the employee's gender or any other protected basis.
- iv. Threats and demands to submit to sexual requests in order to keep one's job or avoid some other loss, and offers of job benefits in return for sexual favors.

Prohibited harassment is not necessarily limited to the loss of a job or some other economic benefit. Prohibited harassment that impairs an employee's working ability or emotional well-being at work violates this policy and will not be tolerated.

3. Unlawful Retaliation. Retaliation against any employee who participates in a protected activity pursuant to this policy will not be tolerated. Retaliation means an adverse employment action in a term or condition of employment that is a result of an employee's participation in a protected activity. Protected activity means reporting, filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing of unlawful discrimination.

4. Reporting. If any employee believes they have been unlawfully discriminated against or retaliated against, or is aware of unlawful discrimination/retaliation of others, the employee should report the conduct to a supervisor; a supervisor or manager in the employee's immediate chain of command; or the Human Resource Department. If for any reason an employee cannot report discrimination or retaliation to one of these individuals, the employee can report the conduct to the City Attorney.

5. ADA Accommodation.

a. Any employee having difficulty performing the essential functions of their position because of physical or mental disability may request a modification or adjustment in the work environment to enable the employee to perform the essential functions of the position; this is known as an accommodation. Essential function means a job duty fundamental to the position and can include job functions unique to the position or special skills and abilities unique to the position or person who must fill the position. An example of essential functions would be the ability to walk, bend, and stand for long periods in a building inspector position, or the ability to hold and fire a firearm for a police officer.

b. A request for accommodation can be made to an employee's supervisor; a supervisor or manager in the employee's immediate chain of command; or the Human Resource Department. A request for accommodation is any information from which a person could reasonably conclude that the employee is in need of a modification or adjustment in the work environment because of a physical or mental condition.

- c. The City will make reasonable accommodation for the known physical or mental disabilities of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship or a direct threat would result. An undue hardship means significant difficulty or expense, based on a case-by-case assessment of factors such as the nature and cost of the requested/proposed accommodation and the impact of the accommodation on the City.
- d. Employee's requesting an accommodation may be required to provide reasonable documentation about the disability and/or functional limitations and in some instances submit to a medical examination to determine the existence of a disability or functional limitation, ability to perform the essential functions of the position, and/or feasibility of accommodating and disability or functional limitation. Such examinations will be pursuant to [EPM 2.7 – Medical Examinations](#).

B. PROCEDURE

1. Unlawful Discrimination/Retaliation.

- a. Initial Resolution. The prohibition, correction, and deterrence of unlawful discrimination and harassment are basic and fundamental City policies. In furtherance of this goal, employees are encouraged to resolve disputes at the earliest time and lowest level possible. Therefore, an employee who is subjected to verbal, visual, or physical conduct which is offensive to the employee should respectfully inform the offender of the specific concern and request that the offender not repeat such conduct. If this action does not stop the conduct, or if the employee has any concern of violence or retaliation, the employee should report the conduct as provided below.
- b. Reporting. Reports of unlawful discrimination or retaliation under this policy can be made verbally or in writing and should be made as soon as possible. Written reports can be submitted using the [Claim of Unlawful Discrimination/Retaliation](#) form. Verbal reports should be reduced to writing as soon as possible using the Claim of Unlawful Discrimination/Retaliation form. The form should be filled out as completely as possible.
- c. Investigation. Investigations will be conducted consistent with EPM 10.2-Administrative Investigations.

2. ADA Accommodation.

- a. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job the employee or applicant holds or desires may request a reasonable accommodation by speaking to the employee's supervisor; a supervisor or manager in the employee's immediate

- chain of command; the Human Resource Department; or submitting a [Accommodation Request Form](#) to Human Resources Department. If an oral request is made, the individual receiving the request should prepare an [Accommodation Request Form](#) on behalf of the employee as soon as possible, but no later than following workday, and forward such to the Human Resource Department.
- b. Human Resource personnel will review the request for accommodation and as soon as practicable after the request is made known will meet with the employee to discuss limitations in performing the essential functions of the employee's position and potential accommodations.
 - c. Working with the employee, department, health care providers, and experts where necessary, Human Resources will facilitate discussion and evaluation of potential accommodations and whether or not such options could result in either an undue hardship or direct threat. Employees are expected to fully cooperate in the accommodation process. The duty to cooperate includes making every effort to provide management with current medical information upon request. Medical information will be maintained consistent with applicable privacy laws.
 - d. The Human Resource Director will make the final decision regarding the existence and viability of accommodations and will communicate that decision in writing to the employee, including the reason for any denial. Determinations will be made within 14 days of request, absent extenuating circumstances. Denial of a request for accommodation may be grieved in accordance with [EPM 9.8 – Grievance/Complaint](#).



EMPLOYEE POLICY MANUAL

3.2	New Employee Orientation
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> ARS § 38-231; SMC Sec. 3-30

A. POLICY

1. **Generally.** A comprehensive orientation program assists new employees in understanding organizational values and culture and, as a result, encourages commitment to the City. As an ongoing process, orientation begins during recruitment and selection, and continues throughout an individual's employment. The initial orientation process is designed to provide new employees with information that will allow them to transition smoothly and efficiently into the workplace. The responsibility for the initial orientation process is shared among the new employee, the employee's department and the Human Resources Department.

2. **NEO.** The Human Resources Department is responsible for conducting a formal process for all new employees called the New Employee Orientation (NEO). NEO covers topics including but not limited to:
 - a. History, mission and goals of the City;
 - b. City Values and Visions Statement;
 - c. Employee policies and procedures;
 - d. Employee compensation and benefits;
 - e. Safety and security procedures; and
 - f. Introduction of the employee to their assigned Peer Pal.

3. **Department Orientation.** The new employee's department is responsible for the following orientation topics:
 - a. Department-specific rules, policies, and procedures;
 - b. Initial on-the-job training necessary for the new employee to assume their responsibilities;
 - c. Job readiness program, as necessary;

- d. Position-specific performance expectations; and Introductory Period (if applicable).
- e. Peer Pal assignment and facility tour.

B. PROCEDURE

1. **Generally.** All new employees hired by the City shall normally begin employment on the first day of a pay period. All newly-hired employees shall attend NEO as soon as possible after employment.
2. **Orientation Documents.** The following documents/items are to be provided to and/or completed by new employees prior to or on the first day of employment:
 - a. [Form I-9 Employment Eligibility Verification](#)
 - b. [Form W-4 - Federal Tax Form](#)
 - c. [Form A-4 - Arizona State Taxes](#)
 - d. [Payroll Direct Deposit Authorization Form](#)
 - e. [Employee Emergency Contact Information](#)
 - f. [Employee Voluntary Self-Identification Form](#)
 - g. [Employee Policy Manual CD Acknowledgement](#)
 - h. [Harassment Prevention Acknowledgement](#)
 - i. [Electronic Media User Agreement](#)
 - j. [Arizona Minimum Wage Law Acknowledgement](#)
 - k. [ASRS/PSPRS Enrollment and Beneficiary Forms](#)
 - l. [Mandatory Benefit Enrollment/Change Forms](#)
 - m. [Voluntary Benefit Enrollment/Change Forms](#)
 - n. [Continuation Coverage Rights Notice \(COBRA\)](#)
 - o. [HIPAA Privacy Notice](#)
 - p. [ARS § 38-231 Loyalty Oath](#)
 - q. [Benefits Default Notice](#)
 - r. [USERRA Rights Notice](#)
 - s. [Prescription Drug Coverage and Medicare Notice](#)
 - t. [Miscellaneous Benefit Information Forms](#)
 - u. [Special Enrollment Provision Notice](#)

- 3. New Hire Checklist.** A [New Hire Checklist](#) is to be completed by the new employee's supervisor and returned to Human Resources immediately after the employee's first two weeks of employment.



EMPLOYEE POLICY MANUAL

3.3	Classification Plan
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec 3-20

A. POLICY

1. **Generally.** The Human Resources Director maintains and administers a plan of classification specifications (or class specs), known as a “classification plan” (or “class plan”). A **position** classification includes one or more positions that are so similar they can be described by a **broad** common job classification title and description. Each position within a job classification may have its own “working” title and its own description. Classifications are used to determine compensation, order of layoff and other conditions of employment as determined by the City Manager. The Human Resources Director will create or amend the class plan and class specs based upon an analysis of the duties, responsibilities, essential functions and qualifications of the positions affected.

2. **Decision Band Method™.** The City maintains a classification and compensation system based on the Decision Band Method (DBM) of job evaluation. This system consists of:
 - a. **Broadly Defined Classes.** The DBM system consists of broadly defined classes that reflect the essential duties and responsibilities performed by incumbents in each class. This approach facilitates flexibility in the assignment of duties to individual employees within the job classification. Where practical and feasible within each occupational group, there is an opportunity for career advancement.
 - b. **A Classification Structure.** Each position classification consists of a band, grade and sub-grade designation. Change in any of the designations (band, grade or sub-grade) is a change in classification.
 - c. **Position Descriptions.** Each position description includes a statement of essential duties, minimum qualifications, and the physical requirements of the position. Accurate position descriptions ensure new hires are qualified and capable of performing the work required and that the work performed is reflected by assignment to the appropriate classification. **Position descriptions will be maintained by the Human Resources Department.**

- d. A Reclassification Process. A reclassification may occur when a group of positions within the same classification have undergone a significant change in the type, difficulty, or degree of responsibility entailed in the work performed within that position. Such a situation may result in the assignment of classification to a higher, lower, or similar classification based on the type of changes which have occurred. A reclassification is only appropriate on a city or department wide basis. The concept of reclassification will not be used to circumvent promotions into a higher job classification.
- e. A Position Change (Upgrade/Downgrade) Process. A position change request results from changes in the workload or desired workload within a City department, which shift service obligations from one position to another. In such case the department can request that one or more of their authorized positions within one classification be changed to one or more positions in another classification. In order to be eligible for a position change, the “new” duties to be performed must be substantially different than those performed in the current classification and duties that cannot be performed by the current class. Approval of position change will result in the creation of a new position and the abolishment of one position for each position changed pursuant to this subsection. The abolished position will be selected in accordance with EPM 3.10 – Reductions in Force. Except as stated in this section, the new position will be filled through the competitive process outlined in [EPM 2.4- Recruiting, Selection and Hiring](#). A position change will not require recruitment if all the following conditions exist and are documented in the position change request: 1) the employee has regularly, consistently and on a permanent basis performed work outside the employee’s current class (“out of class work”) for a period greater than six continuous months; 2) no open position exists within the department/division matching the target classification; and 3) all other requirements of a position change are satisfied. Under such circumstances, the position will be changed and the current incumbent will be left in the newly created position. If the position change is approved, back pay will be awarded to the incumbent to the date of the request to evaluate the classification. Changes in compensation if any due to a position change shall be according to [Policy 4.1 - Compensation](#).
- f. Development of New Job Classifications. The classification system is responsive to organizational and environmental changes. The Human Resources Department will assist with the revision of classification specifications and the development of new classification specifications within the broad class concept as necessary to meet the on-going operational requirements of the City.

B. PROCEDURE

- 1. Reclassification Requests.** A reclassification request can be made by a department director by submitting a [Reclassification Request Form](#) to Human

Resources and following the process described in the [Reclassification flowchart](#). Classification changes must be approved by the City Manager in writing.

- 2. Position Change Requests.** A position change request can be made by a department director by submitting a [Position Change Request Form](#) to Human Resources and following the process described in the [Position Change flowchart](#). Position changes must be approved by the City Manager in writing.
- 3. New Positions.** The process to assign new positions to a classification, revise existing classification specifications, and develop new classification specifications begins with the completion of a [Position Description Questionnaire](#) (PDQ) by incumbent employees. This process can be initiated by an employee, a group of employees, or a department director. The Human Resources Department will review completed PDQs and determine the appropriate classification for a new position, whether an existing classification should be revised, or whether a new classification should be created. See also [EPM 4.1 - Compensation Plan](#) regarding Equity Review.



EMPLOYEE POLICY MANUAL

3.4	Trial Periods
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> April 25, 2016	<u>Applicable Law/Statute:</u> SMC Sec. 3-31

A. POLICY

1. Trial Periods. Every newly hired classified employee or those classified employees impacted by changes pursuant to EPM 3.6 – Employment Changes (with the exception of occupied positions changes, reclassifications, or temporary assignments) is required to successfully complete a trial period. Non-classified employees are at will and do not serve a trial period. The Trial Period provides an employee's supervisor with the opportunity to evaluate an employee's ability to perform the duties of the employee's position. A classified employee must, in the opinion of the employee's department director, satisfactorily complete the Trial Period in order to continue in the position. Satisfactory completion of the Trial Period must be documented by a formal, written performance evaluation.

2. Length of Period.

- a. All classified employees are required to serve a twelve-month Trial Period.
- b. The department director, with the approval of the Human Resources Director, may extend an employee's Trial Period for either:
 - i. A period equal to the number of work days missed by the employee if the employee is absent more than 10 work days for any reason during the Trial Period.
 - ii. A period not to exceed twelve months if it is determined that an extended period of observation and evaluation is appropriate.

3. Promotion/Transfer/Acting Assignments.

- a. Employees in their Trial Period shall not be eligible or selected for promotion, voluntary demotion or transfer to a vacant position with the City unless such selection is recommended by both affected department directors and approved by the Human Resources Director.

- b. If an employee in a Trial Period is voluntarily demoted or transferred in accordance with this policy, the employee will be required to successfully complete an new Trial Period for the new position,
- c. Any employee who is voluntarily or involuntarily demoted, transferred or otherwise moved to a position in which the employee previously and successfully completed a trial period, will not be required to serve a new trial period
- d. Employees are not eligible for temporary/acting assignments while in their Trial Period.

4. Unsuccessful Completion of Trial Period.

- a. An employee serving a Trial Period or any extension thereof is an at-will employee and serves at the discretion of the City Manager. Such employee may be terminated from employment with or without notice and with or without cause, with no right of appeal.
- b. A promoted employee who does not meet the performance requirements of the promoted position shall be removed from the position prior to the end of the Trial Period. Such employee shall be:
 - i. Reinstated to the position in which the employee was serving prior to the promotion, provided that an appropriate vacancy exists; or
 - ii. Assigned to a vacant position for which the employee is qualified in a classification and pay grade similar to that held prior to promotion; or
 - iii. Separated from service and placed on any available eligible list for the employee's former position or, at the employee's option, be placed on an eligible list for lower level positions for which the employee is qualified.
- c. Upon removal during the Trial Period and placement in a lower position, the employee's rate of pay shall be determined in accordance with the provisions of [EPM 4.1 - Compensation](#).

B. PROCEDURE

1. **Completion of Trial Period.** A performance evaluation form appropriate for the position being evaluated shall be completed by the immediate supervisor and approved by the department director, and submitted to Human Resources at least two calendar weeks prior to the completion of the Trial Period as provided in [EPM 3.7 - Performance Management](#). The written performance evaluation shall include an affirmative written determination of the employee's successful/failed completion of the Trial Period. If the

3.4	Trial Periods	Last Amended: 04/25/16
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evaluation indicates a failed Trial Period, the recommendation must indicate whether to:

- a. Reinstatement the employee in their former position,
- b. Assign the employee to a vacant position similar to their former position, or
- c. Separate the employee from service and place them on an eligible list for their former or a lower position, for which they are qualified.

2. Extension of Period. A department director who desires to extend the Trial Period of a classified employee shall complete a [Request to Extend Trial Period of Employment](#) and submit it to Human Resources, along with a completed performance evaluation form as provided in [EPM 3.7 - Performance Management](#).



EMPLOYEE POLICY MANUAL

3.5	Personnel Files
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> March 1, 2016</p>	<p><u>Applicable Law/Statute:</u> ARS 39-101 to 103; ARS 39-121 to 128; ARS 39-141 to 145; SMC Sec. 3-5</p>

A. POLICY

1. **Generally.** The personnel file contains all original personnel-related information for every City employee in accordance with applicable law. Personnel files are maintained in the Human Resources Department. The only exceptions to this requirement are:
 - a. The AZ-POST file maintained by the Police Department on each sworn police officer.
 - b. The temporary performance evaluation notes maintained by supervisors during an employee's evaluation period. These notes must be merged with the evaluation and included in the personnel file at the end of the evaluation period, or become a part of a corrective action document and included in the personnel file.

2. **Access to Personnel Files.** All personnel files of employees are the property of the City. No employee or other person may obtain or possess personnel records maintained by the City except as specifically stated herein. Access to an employee's personnel file shall be limited to:
 - a. The employee or an authorized representative of the employee.
 - b. The City Manager.
 - c. The City Auditor.
 - d. Presiding City Judge, for City Court Personnel.
 - e. The employee's supervisor and department director.
 - f. The Human Resources Director or Human Resources staff members in the performance of their official duties, including responding to court orders or subpoenas.
 - g. Employees or agents of companies providing employee benefits, when necessary to determine eligibility or otherwise administer benefits to the employee.

- h. Attorneys or authorized staff members of the City Attorney's office, or legal counsel representing the City, when necessary to provide legal advice or representation to the City.
3. **Public Records Requests.** All requests [other than those described in section A (2)] to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk as provided in [Policy 8.5 – Public Records](#).
 4. **Internal Requests.** A request to view personnel files must be in writing and directed to the Human Resources Department. Such requests must be made during the regular business hours of the Human Resources Department pursuant to the procedure below. Except for the requests by the employee, a request to review documents not in the performance management and corrective action files requires a legitimate business necessity. Requests made by individuals other than those listed in Section 2, above, will be considered Public Records Request and processed consistent with [EPM 8.5 – Public Records](#).
 5. **Record Retention.** Public records, including those contained in personnel files, shall be retained in accordance with state law.
 6. **Information Verifications/Reference Checks.** All requests to verify information contained in the personnel file or reference information of a current or former City employee shall be done pursuant to [EPM 3.11 - Separating from Service](#). No department or employee other than authorized employees in the Human Resources Department is authorized to verify any information about a current or former City employee to any outside requestor.

B. PROCEDURE

1. **Requests to Review.** A request to view and/or inspect a personnel file must be submitted by emailing the request to a Human Resources Administrative Specialist, along with a completed [Request to Review Personnel File form](#) indicating the section(s) and form(s) from the personnel file for which the request is being made. Human Resources will respond to the requests within 48 business hours.
2. **Request for Record Purge.** An employee may complete the [request for removal form](#) to request that non disciplinary corrective action records be purged from their personnel file. Non-disciplinary action is limited to the Notice of Corrective Action Form for Documented Oral Counseling's and Written Reprimands. Non-disciplinary action records may not be purged from an employee's personnel file while the record is in "Force and Effect" as prescribed by EPM 10.1 Corrective Action.

- 3. Employee Submittal.** An employee may author and submit a written or typed statement/rebuttal for entry to their personnel file, in response or related to material contained in the employee's Personnel File.
- 4. Information Verifications/Reference Checks.** All persons or entities wishing to obtain a reference check and/or verify information concerning a current or former employee of the City shall provide the Human Resources Department with a signed written request. All information verification/reference checks shall be consistent with post separation verification of employment pursuant to [*EPM 3.11 - Separating from Service.*](#)



EMPLOYEE POLICY MANUAL

3.6	Employment Changes
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> April 25, 2016</p>	<p><u>Applicable Law/Statute:</u> SMC Sec. 3-20</p>

A. POLICY

1. **Classification; Higher or Lower.** For purposes of this EPM 3.6 – Employment Changes, the determination of whether the classification is “higher”, “lower” or the “same” is determined by comparison of the minimum of the pay range for each of the positions being compared in the general or seasonal pay plans. This may not apply to moves originating from positions in a step plan to positions in the general or seasonal pay plans.
2. **Demotion.**
 - a. Involuntary Demotion. An involuntary demotion is the movement of an employee from a position currently held to another position in a lower classification when such is not at the request of the employee. Involuntary demotions of classified employees for disciplinary purposes shall only be for just cause, and in accordance with [EPM 10.1 – Corrective Action Principles](#).
 - b. Voluntary Demotion. A voluntary demotion is the movement of an employee from a position currently held to another position in a lower classification at the employee’s request. Voluntary demotions cannot be used to replace or in lieu of, corrective action, involuntary demotions or to avoid the recruitment process outlined in [EPM 2.4 – Recruiting, Selection & Hiring](#). Voluntary demotions that result in the movement of an employee from a non-classified position to a classified position must be approved in writing in advance by the City Manager. For availability of voluntary demotion for reemployment in an introductory or promotional trial periods see [EPM 3.4 - Trial Periods](#).
 - c. The compensation of a demoted employee shall be determined according to [EPM 4.1 – Compensation](#).
3. **Promotion.** A promotion is the movement of an employee from a position currently held to another position in a higher classification. Promotional opportunities shall be conducted pursuant to [EPM 2.4 - Recruiting, Selection, and Hiring](#). The compensation of a promoted employee shall be determined according to [EPM 4.1 - Compensation](#).

- 4. Temporary Assignment (“Acting” Assignment/Position).** An employee assigned to perform all of the duties and assume all of the responsibilities of a higher classification, for a period of not less than three consecutive full work weeks, shall be designated as having an “Acting” position. Changes in compensation due to an “Acting” position/assignment shall be determined by [EPM 4.1 – Compensation](#). No “Acting” position/assignment shall last longer than 9 months, unless extended in writing by the City Manager. At no time will an employee in an acting role be required to reimburse the City due to overtime compensation at the completion of three consecutive weeks.
- 5. Temporary Assignment – Increased Work Duties.** Employees who are assigned by the employee's department director to perform some or all of the duties and assume some or all of the responsibilities (for all consecutive work days in a three consecutive week period) of a position or positions assigned to a higher pay range may temporarily receive a 10% increase to the employee's current base rate of pay. A temporary assignment hereunder can be in place of or in addition to the employee's regular duties.
- 6. Transfer.** A transfer is the movement of an employee to a vacant position within the same classification. Involuntary transfers are at the discretion of the City; although transfers for non-disciplinary reasons cannot exceed six months. Voluntary transfers must be consistent with [EPM 2.4 – Recruiting, Selection and Hiring](#). No person shall be transferred to a position for which they do not possess the required minimum qualifications, as determined by Human Resources. Changes in compensation due to a transfer shall be according to [EPM 4.1 – Compensation](#).
- 7. Reclassification.** A reclassification is the change of an entire group of positions within a department or Citywide in one classification to another classification because of significant change in the type, difficulty, or degree of responsibility of work performed. Reclassifications shall be done in accordance with [EPM 3.3 – Classification Plan](#). The reclassification process will not be used to circumvent the City's normal process for promoting or demoting employees. Changes in compensation due to a reclassification shall be according to [EPM 4.1 – Compensation](#).
- 8. Position Change.** A position change is the movement of a position in one classification to another classification. Position changes shall be done in accordance with [EPM 3.3 – Classification Plan](#). The Position Change process will not be used to circumvent the City's normal process for promoting or demoting employees. Changes in compensation due to a position change shall be according to [EPM 4.1 – Compensation](#).

B. PROCEDURE

1. **Generally.** Departments seeking a change in personnel status must submit a request for a personnel action and supporting documentation via email to the department's Human Resources representative.
2. **Documenting Changes.** Employment changes must be documented by using a Personnel Action Form (PAF), which shall be maintained in the Personnel Filed within the Human Resources Department.



EMPLOYEE POLICY MANUAL

3.7	Performance Management
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-23

A. POLICY

1. **Objectives.** The City's performance management process is used to establish individual employee performance expectations through goal setting and provide written feedback on employee performance through evaluation. The specific objectives of the process are to:
 - a. Provide a method for identifying and clarifying the work that needs to be accomplished through the use of goals and objectives;
 - b. Provide a basis for regular performance evaluation and review;
 - c. Provide written communication, feedback, measurement and evaluation on how well employees are performing the duties of their positions; and
 - d. Identify training and job experience needed to maintain and improve job-related knowledge, skills, and abilities.
2. **Elements.** The performance management process involves two separate elements – goal/objective planning and performance evaluation.
 - a. Goal & Objectives. Each employee must establish written goals or objectives prior to the beginning of each fiscal year. Department directors are responsible for ensuring written goals/objectives are established on a timely basis for all employees in their department. These goals will either be established by the supervisor and “cascaded down” to the employee or established by the employee with input and approval of their immediate supervisor. All goals should be related to and supportive of the department's objectives in support of the City's strategic plan. The employee and supervisor must meet to review the goals and objectives, expectations, progress, and needed areas of improvement at a minimum of three times per year; the start of the fiscal year, during the mid-year discussion, and during the end of year evaluation. More frequent discussions are encouraged.
 - b. Performance Evaluation. Each employee must be evaluated on a mid-year and annual basis by their immediate supervisor. Department directors are responsible for ensuring this process is completed on a timely basis for all employees in their department. The evaluation process begins with a mid-

- year evaluation which **must** be completed on or before December 31. The evaluation process is completed through the use of the annual evaluation. The annual evaluation begins with the employee preparing a self-evaluation, which **must** be completed by May 31. Thereafter the immediate supervisor completes the employee's annual evaluation and after all necessary approvals, holds a meeting with the employee to conduct the annual evaluation prior to June 30.
- 3. Performance Management Applicability.** All employees **must** participate in the City's performance management process.
- a. The City of Surprise Goals and Performance System (GPS) ® **must** be used by all employees and supervisors to perform the tasks described in this EPM 3.7 – Performance Management.
 - b. The specific process described herein is not applicable to interns, temporary, intermittent, and seasonal employees. These employees should be evaluated by their immediate supervisor prior to the completion of their term of employment; however, **the evaluation of these employees** is part of out-processing and not conducted utilizing GPS®.
- 4. Performance Evaluation Rating System.** The City utilizes the following rating designations during the review process.
- a. Exceeds: Work is completed ahead of time *and* with greater than the expected quality.
 - b. Meets with Commendations: Work is completed ahead of time *or* with greater than the expected quality.
 - c. Meets: Work is completed on time with the expected quality.
 - d. Meets with reservations: Work is not completed on time *or* not with the expected quality.
 - e. Unsatisfactory: Work is not completed on time *and* not with the expected quality
- 5. Performance Evaluation for Newly Hired/Promoted Classified Employees.** Each newly hired or promoted **classified employee** must successfully complete a Trial Period of employment as provided in [Policy 3.4 –Trial Period](#). The Introductory [Evaluation Form and the Promotional Evaluation Form](#), also accessible in GPS, **must** be used to communicate and document **the successful completion of this process**.

B. PROCEDURE

1. The specific requirements, timelines, forms, and procedures for establishing goals and conducting self-evaluations and performance evaluations are described in detail in **Goals and Performance System (GPS)**. <https://performancemanager4.successfactors.com/login?company=surpriseaz>

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2. A supervisor who rates an employee with anything other than “Meets” must document in the performance evaluation support for such rating. Appropriate support may include awards, letters of commendation, or GPS notes.
3. A supervisor who rates an employee such that the overall rating is either an “Unsatisfactory” or “Meets with Reservation” must place the employee on a Performance Improvement Plan (PIP). The PIP will be documented on the Development Tab in GPS. The PIP is designed to assist employees and provide them with the appropriate assistance or training in order to improve the rating for the next evaluation period. The supervisor will meet throughout the year with the employee to assess improvement in the area(s) needed and track using the Employee Files Tab/Notes Section of GPS.
4. Human Resources is responsible for monitoring compliance with this EPM and must report such to the City Manager by August 1st of each year.



EMPLOYEE POLICY MANUAL

3.8	Employee Recognition
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-63

A. POLICY

1. **Generally.** The City of Surprise employee recognition process reinforces the City's culture and supports its objectives and values. These awards and celebrations provide the City with opportunities to recognize the commitment and contributions of City employees.
2. **Peer to Peer Award.** The 'Peer to Peer Award' is a quarterly recognition of a City employee for outstanding performance. The winner is selected by the City Manager or designate from among those employees nominated for the award by other City employees. All current City employees are eligible for this award.
3. **City Manager Awards.** The City Manager periodically recognizes City employees for outstanding service in the areas of job excellence and customer service. The recipient receives a special award to express the City Managers appreciation.
 - a. The Excellence Award - given semi-annually to the current City employee who exhibits outstanding commitment to the organization and excellence in the performance of their job. The winner is selected from among those employees nominated for the award by department directors or City Manager's Office.
 - b. The Service Award - given quarterly to a current City employee who exhibits outstanding internal or external customer service. The winner is selected from among those employees nominated for the award by other City employees.
 - c. Public Safety Award – given quarterly to a current City employee who exhibits outstanding customer services, reserved for employees in the Fire and Police Departments. The winner is selected from among those employees nominated for the award by citizens or Command Staff.
4. **Community Service Award.** The 'Community Service Award' is an annual award. The winner is selected by the City Manager or designate from among

those employees nominated for the award by executive staff (directors or above) and receives a special award presented by City Council. All current city employees are eligible for this award, however nominees must engage in the creation, organization, and/or mobilization of volunteers, groups and resources that are involved in projects benefiting the Surprise community and/or demonstrate a sustained commitment to community volunteerism.

5. Department Awards. Departments are encouraged to develop specific awards to recognize employee performance.

6. Use of Cash/Cash Equivalents. Any employee recognition permitted under this EPM 3.8 – Employee Recognition may include the use of cash, gift certificates, gift cards or other cash equivalent, not to exceed \$50 per recipient, as long as the award is reported to Finance consistent with this policy.

B. PROCEDURE

1. **Nominations.** Nominations for employee awards may be made by submitting a [nomination form](#) through the City employee intranet site. Nominations for the Manager's Excellence Award and Community Service Award must be made by department directors and above. All other awards can be made by any City employee.

2. **Department-Specific Awards.** Any department-specific program should support the City's values and strategic plan, vision and mission.

3. **Reporting Cash/Cash Equivalents.** The name of the recipient and the amount of any cash or cash equivalent awarded under this policy must be reported to the Payroll Section of the Finance Department using a [Notice of Employee Cash Award](#) concurrent with time cards and leave requests for the period in which the award is made.



EMPLOYEE POLICY MANUAL

3.9	Employee Training & Development
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 5, 2013	<u>Applicable Law/Statute:</u>

A. POLICY

1. **Generally.** It is the policy of the City to encourage job-related training and professional development of employees through a variety of means including, but not limited to:
 - a. New Employee Orientation. The Human Resources Department provides all newly hired City employees with a new employee orientation as described in [EPM 3.2 – New Employee Orientation](#).
 - b. Department-Based Employee Training. Each City department should provide employees with necessary job-related technical training by contracting with appropriate parties to provide such training on-site during work hours.
 - c. Human Resources Employee Training Program. The Human Resources Department oversees a comprehensive employee training program which may include, but will not be limited to:
 - i. Annual Employee Training on topics such as Equal Employment; Diversity; Sexual Harassment; Violence in the Workplace; Emergency Operations; Ethics/Conflicts of Interest; Political Activity; Public Records; and Drug Free Workplace/Controlled Substance Testing, and Security Awareness Training.
 - ii. Annual Supervisor Training on topics such as Interviewing Techniques; Job Offers; Communication; Classified vs. Non-Classified Employment; Performance Management; Information Security Training; Managing Attendance Problems; Motivating Employees; Working with Volunteers; Compensation and Classification; Managing Leaves of Absence under the ADA and FMLA; Injury Reporting and Treatment; Return to Work Strategies; Coaching, Counseling and Progressive Discipline; and Conducting Investigations.
 - iii. The Integrated Supervisory Training Series which includes such programs as: Supervisor-in-Training, The New Supervisor, and Advanced Supervision.
 - iv. Skill-Focused Employee Training in areas including MS Word, Excel, Outlook, and PowerPoint; City-specific software programs (Novus Agenda, RFLS, FMS II, PDS, Capital Impact, Hansen, LIS, etc.); Time Management; Business Writing; Preparing and Giving Presentations; and Stress Management.
 - d. Job-related Conferences and Seminars. Training and development topics which cannot be provided on site may be provided by sending an employee to off-site training. Employees who maintain job-related professional association memberships

may also be authorized to attend seminars sponsored by those associations in order to maintain such certifications, continuing education credits, or general professional knowledge.

e. Internet Based Learning. Training and development topics which cannot be provided on site, or which can be obtained more cost effectively by utilizing technology and internet/web seminars or other similar learning opportunities should be used wherever possible.

f. Post-Secondary Education. Regular full-time employees may also be eligible to receive financial assistance from the City in order to attend post-secondary education classes at an accredited college or university through the education reimbursement program described in [EPM 6.5 - Reimbursements, Allowances & Stipends](#).

2. **Compensation.** The compensation of City employees attending training and while traveling to training is covered in [EPM 4.10 – Working Time](#).

B. PROCEDURE

1. **Off-Site Training.** Employees desiring to attend off-site training and development functions must request approval to travel to and/or attend such function in accordance with [EPM 6.5 - Reimbursements, Allowances & Stipends](#).

2. **Tuition Reimbursement.** Employees may request approval for educational assistance through the City's Tuition Reimbursement program as provided in [EPM 6.5 – Reimbursements, Allowances & Stipends](#).



EMPLOYEE POLICY MANUAL

3.10	Reductions in Force
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 5, 2013</p>	<p><u>Applicable Law/Statute:</u> SMC Sec. 3-32</p>

A. POLICY

1. **Generally.** The City Manager shall determine when and for what reasons it is necessary to reduce the number of City employees, which departments, classifications and positions will be affected, and the actual number of employees to be reduced, hereinafter referred to as a Reduction in Force (RIF), reduction, or layoff. This EPM applies only to employees in the classified service; though this EPM may serve as a guide, non-classified positions may be eliminated at the discretion of the City Manager.
2. **Notice.** In the event a RIF is expected, the City will attempt to communicate information to employees about the impending reduction as soon as possible. The means for notifying employees of a RIF will be determined by the City Manager.
3. **Voluntary Separation.** The City may solicit and accept voluntary separations in exchange for severance benefits and/or may offer an early retirement incentive plan or plans to a group or groups of employees in exchange for early retirement and benefits. An application for voluntary separation is an offer by the employee to separate service as part of a work force reduction program. The offer to voluntarily separate will be accepted only if accepting the offer furthers the purpose of the work force reduction program. Any such voluntary separation opportunity will generally be offered and completed prior to a RIF.
4. **Reduction in Force.** A reduction in the number of regular employees within a classification in a department or division will generally be in inverse order of retention score pursuant to the formula described in section B (1)(b).
5. **Reorganization.** A substantial change in the allocation of job responsibilities or reporting structure involving one or more departments for which positions are eliminated will comply with this policy. New positions created as part of reorganization will be created and filled consistent with [EPM 2.4 - Recruiting, Selection & Hiring](#) and [EPM 3.6 – Employment Changes](#).

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6. **Impact of Anti-Nepotism Policy.** Employees whose continued employment would violate [EPM 2.2 – Nepotism](#) and who cannot be accommodated pursuant to that policy will be laid off consistent with this EPM 3.10– Reduction in Force.
7. **Recall.** Laid off employees shall be placed on a recall list for one year. The City Manager shall determine when and for what reasons a position reduced as a result of a RIF will be restored and filled. A position is restored if the position is in the same classification and in the same department/division as one eliminated during the RIF. Former employees on a current recall list for the department and classification of position(s) to be filled will generally be recalled in inverse order of layoff (last person laid off will be the first person recalled) pursuant to the formula described in section B (1)(e).
8. **Grievance Eligibility.** Employees who are laid off cannot grieve or otherwise appeal the layoff. Employees may, consistent with EPM 9.8 – Grievance/Complaint, submit a grievance if the employee alleges a violation of this policy.

B. PROCEDURE

1. RIF Plan - Regular Employees

- a. A reduction in the number of employees shall generally be governed in accordance with this section, although the City reserves the right to alter this procedure as necessary.
 - i. The City Manager determines that budget cuts are necessary and provides each affected department with a budget reduction amount.
 - ii. Department directors or Appointed Officials will recommend—the classifications and number of positions in each classification in the department to be reduced.
 - iii. The Human Resources Director will determine the employees identified for layoff based on the retention formula.
 - iv. The tentative layoff list shall be reviewed to analyze the anticipated net savings as a result of the RIF to determine if the budget reduction mandated by the City Manager has been met and prepare a RIF report.
 - v. The final RIF Report shall be subject to the review and approval of the City Manager.
 - vi. The approved RIF shall be implemented by the Human Resources Director.

- b. Retention Formula.
- i. Employees in the classification identified for reduction within a department will be laid off in inverse order of retention score, unless section B (1) (b) (v) applies.
 - ii. Retention Score. An employee's retention score is calculated as follows: 25% of the score by City service and 75% of the score by competency rating. The formula is: $(0.25 \times \text{City service}) + (0.75 \times \text{competency score}) = \text{retention score}$. Once a RIF has been announced, the Human Resources Department will prepare and post a City-wide employee ranking based on retention score. In addition, employees may meet with a representative of the Human Resources Department to review their retention score.
 - iii. City Service Defined. An employee's City service for purposes of this policy is as defined in [EPM 1.5 - Definitions](#).
 - iv. Competency Rating. Competency ratings are determined by the average of the overall ratings on the employee's annual evaluations for the two most recent completed evaluation years. Newly hired employees who have not received an annual evaluation receive zero points. Employees with missing evaluations receive 3.0 points.
 - v. Layoffs may take place out of the order of retention score order if, in the judgment of the City Manager, it is determined that one or more of the following conditions exist:
 - Retention of employees with special skills is required;
 - Those employees remaining after the RIF would not have the demonstrated ability and qualifications to perform the required duties remaining after the RIF; or
 - Other compelling reason as determined by the City Manager.
 - vi. Resolving Tie Scores. If two or more employees in the same classification in the department identified for reduction have the same retention score, the tie will be resolved as follows:
 - First by City Service.
 - Second by computer-generated random selection.
- c. Severance. Employees who are laid off may be provided a severance package as determined by the City Manager. If, after a RIF is announced and a severance package is offered, an employee who is not being laid off chooses to retire or otherwise separate from service, the employee will not be offered a severance package in addition to normal separation and/or retirement benefits.
- d. Recall.

- i. Recall from Layoff. The City Manager, in conjunction with affected department directors and the Human Resources Director, will identify the department, classifications and number of positions to be restored. Thereafter, the Human Resources Department will implement a recall if applicable.
 - ii. Former employees on the recall list for the department and classification of position(s) to be restored will be recalled in inverse order of layoff (last person laid off will be the first person recalled) unless, in the judgment of the City Manager, the recall of former employees with special skills, qualifications or abilities is required, in which case recall may take place out of order.
 - iii. Notice of recall shall be by certified or registered mail to the last address provided by the former employee to the Human Resources Department.
 - iv. The notice shall specify a return to work date which shall be no less than the Monday after the seventh calendar day from the date of mailing. A recalled former employee must either return to work at the specified time or, notify the Human Resource Director prior to the return to work date and arrange an alternative date agreeable to the City.
 - v. Failure to comply with any of these provisions will cause the former employee's name to be removed from the recall list and the former employee will lose all employment rights with the City.
 - vi. If no former employee on the recall list responds to a notice of recall or no former employee on the recall list is otherwise eligible for the position, then the position will be considered to be vacant and will be posted pursuant to [EPM 2.4 - Recruiting, Selection & Hiring](#). All persons on active recall lists for other positions will be considered internal applicants for purposes of such recruitment.
 - vii. If a layoff is expected to exceed 30 days, accrued but unused PTO and compensatory time will be paid to the employee at the time of layoff per [EPM 3.11 - Separating from Service](#). Employees who are laid off will not accrue PTO or other benefits during the layoff.
- 2. RIF Plan - Other Than Regular Employees.** A reduction in the number of other than regular employees (temporary, seasonal, intermittent and interns) shall be completed at the discretion of the City Manager, separate and apart from this procedure for regular employees, although this procedure may serve as a guide for such RIF.



EMPLOYEE POLICY MANUAL

3.11	Separating from Service
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> March 1, 2016</p>	<p><u>Applicable Law/Statute:</u> 29 USC 119 1b; 29 USC 201-262; ARS § 23-353; ARS § 14-3971; SMC Sec 3-3; ARS §23-1361; ARS §23-353</p>

A. POLICY

1. **Failure to Follow Notice Requirements.** Failure to follow the notice requirements set forth in this policy **may** result in the employee being ineligible for re-employment with the City
2. **Resignation.**
 - a. Employees may voluntarily resign from employment by notifying their supervisor. This notification must state the employee's final working day. Employees are expected to give as much advance notice as possible and no less than 14 calendar days' notice. **Employees will be considered ineligible for re-employment unless the affected Department Director is acceptant of less than 14 calendar days' notice.**
 - b. Supervisors receiving resignations or other communication from an employee indicating the intent to resign shall immediately provide their chain of command and Human Resources with such communication.
 - c. Employees who resign will generally be permitted to work and/or use available PTO after providing notice of resignation. If use of PTO is approved, the employee may be required to physically be at work on the last day of employment. The City may, at its discretion, release the employee from daily assignments at any time after receiving the notice of resignation and instead require the employee be available by phone during normal work hours. In such case, the employee will be paid for the regularly-scheduled (non-overtime) hours that the employee normally would have worked and the employee will not be required to physically report on the final day of employment.
3. **Retirement.** Employees retiring under the full age, service, or disability retirement provisions of ASRS/PSPRS are expected to give written notice to their supervisor of their intention to retire as far in advance as possible and no less than 14 calendar days prior to their retirement date. **If department articulates an**

undue hardship was created by providing less than 14 calendar days' notice, employee will be ineligible for re-employment with the City.

4. **Layoff.** When an employee is laid off pursuant to [EPM 3.10 – Reductions in Force](#) and the layoff is expected to exceed 30 days, the employee shall be considered to have separated from service for the purposes of the payment of wages and benefits.
5. **Job Abandonment.** Employees who are absent from work without approved leave for three consecutive work shifts will be deemed to have abandoned their positions (resigned). Employees who abandon their employment under this section will be separated from service, will be ineligible for re-employment with the City, and cannot grieve or appeal the separation from service.
6. **Termination.** Employees who are terminated from employment with the City pursuant to [EPM 10.1 – Corrective Action Principles](#) will be considered ineligible for re-employment with the City.
7. **Payment of Final Wages.** Separating employees will be paid in accordance with all applicable laws for all time worked to date of separation minus any monies owed to the City. Employees terminated from employment will be paid within 7 business days, or at the end of the next regular pay period, whichever is sooner. All other separating employees will receive their final pay on the next normal payday after separation unless otherwise notified by Human Resources.
8. **Payment of Benefits.** Employees separating from service with the City are eligible for payment of the following benefits with their final pay:
 - a. Compensatory Time - Non-exempt employees will be paid at separation for all accrued and unused compensatory time at the employee's final rate of pay.
 - b. Paid Time Off (PTO). Employees separating from service will be paid at separation for all earned and accrued PTO at the employee's final regular rate of pay. Employees who voluntarily separate from service must designate PTO cash out by completing the [Leave Balance Designation Form](#) pursuant to [EPM 6.1 – Benefits Program](#).
9. **Death of an Employee.** When a City employees dies while employed by the City, the employee's surviving spouse may request that the employee's last paycheck be delivered to them by completing an [Affidavit of Surviving Spouse](#). When a deceased employee did not have a surviving spouse, a person entitled by law to receive the deceased employee's personal property may request that the employee's last paycheck be delivered to them by completing an [Affidavit for Collection of All Personal Property \(Non-Spouse\)](#).
10. **Post Separation Verification of Employment.** Any third party, including prospective employers, who contacts the City regarding a former City employee, will be provided only the following information, unless otherwise required by law.

- a. Dates of Employment
- b. Job Title/s held during employment
- c. Salary history

Information provided under this section shall be provided exclusively by the Human Resources Department. Notwithstanding this Policy, the Police Department may provide pertinent information to comply with State Law and the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards applicable to law enforcement agencies.

B. PROCEDURE

1. Resignation/Retirement.

- a. Employees who voluntarily resign or retire from City service must notify their immediate supervisor and may use the [Voluntary Resignation/Retirement Form](#).
- b. Any supervisor receiving notice of resignation or retirement must immediately report such to the Human Resources Department. If the notice was given in writing, the written notice must be forwarded to Human Resources. If verbal, the supervisor must reduce the notice to writing using the [Voluntary Resignation/Retirement Form](#), documenting the date, time and manner the notice was received.
- c. The Human Resources Department will use the Confidential Employee Exit Questionnaire to conduct an exit interview for all resigning and retiring employees. When practicable, an exit interview will be conducted prior to the employee's last day of employment.

2. Job Abandonment.

Supervisors shall notify the department director who in turn shall notify Human Resources when an employee fails to report for duty without approved leave no later than the end of the second consecutive work day or shift.

3. Separating Service.

- a. Human Resources Responsibility. Upon receipt of any notice of separation/retirement, the Human Resources Department will coordinate with the Finance and Information Technology Departments and will:
 - i. Determine the employee's obligation to reimburse the City;
 - ii. Identify the equipment or other City Property in the employee's possession
 - iii. Provide the employee with a notice concerning health insurance continuation rights (COBRA);

- iv. Request the employee complete an exit interview as appropriate; and
 - v. Notify the IT/GIS Department of separation for inactivation of electronic accounts.
- b. Supervisor Responsibility. Prior to the end of the last day of employment, the supervisor of the departing employee must assure the return of all City property issued to the employee
4. **Designation of Eligibility for Rehire.** Human Resources shall maintain appropriate records regarding the eligibility of individuals for rehire pursuant to this Policy.
5. **COBRA Notice.** See [EPM 6.3 – Continuation of Health Insurance Coverage \(COBRA\)](#).



EMPLOYEE POLICY MANUAL

3.12	Use of Temporary Staffing
<p><u>Effective Date:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> SMC Sec. 3-3</p>

A. POLICY

- 1. Generally.** City departments in need of temporary staffing (usually less than six months) may obtain such staffing from outside agencies or through the use of temporary City employees.

B. PROCEDURE

1. Temporary Agency Staffing.

- A department in need of temporary staff from an outside agency may obtain such staffing from the state-approved vendor list, subject to availability of funds. The state-approved temporary agency vendor list is at <https://spirit.az.gov/Applications/SPIRIT/SR.nsf>.
- The department must contact the Finance Department to determine availability of funds for such staffing. Thereafter, the department shall follow the established budget amendment and transfer process to budget and pay for such staffing. Information on the City's budget amendment and transfer process relative to temporary staffing is available at <http://www.surpriseaz.gov/files/AnnualBudget/FY2009BudgetBook.pdf>.
- Arrangements with the state approved vendor should be made directly with the vendor, coordinating with the Finance Department to assure necessary supporting documentation is obtained by the requesting department.

2. Temporary City Employee Staffing.

- A department in need of temporary staff from the City's Temporary Staffing pool must contact the Human Resources Department for a list of available personnel. The department must notify their Human Resources representative by email listing the selected temporary staff's name, length of temporary assignment, reporting supervisor and security access hours needed. Human Resources will work with the department to make all necessary arrangements for the selected staff to begin work.

3.12	Use of Temporary Staffing	Last Amended: 8/12/13
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- b. The temporary employee's immediate supervisor **must** notify Human Resources in advance of the temporary employee's last day of employment. Upon completion of the last day of the assignment, the immediate supervisor shall secure all equipment and security badges issued to the employee and return same through the chain of command to Human Resources.



EMPLOYEE POLICY MANUAL

4.1	Compensation
<u>Issued:</u> June 15, 2009 <u>Last Amended Date:</u> August 5, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3.20

A. POLICY

1. Generally.

- a. Compensation for employees other than Appointed or Elected Officials is determined in accordance with the compensation plan approved by the City Council and is intended to support the recruitment, success, and retention of qualified and productive employees and to encourage and reward performance which promotes the City's vision, mission and values as a high performance organization. The compensation plan is designed to reflect both internal equity and external parity within the various labor markets in which the City competes. The plan rewards employees who perform at "above standard" levels within their respective job classification. The Human Resources Department shall maintain and administer the compensation plan.
- b. The compensation plan is comprised of four smaller plans targeted at specific types of employment positions. Those plans include:
 - i. Fire Pay Plan, which encompasses all classified certified fire protection first responders (firefighters, engineers and captains);
 - ii. Police Pay Plan, which encompasses all classified certified law enforcement first responders (officers and sergeants);
 - iii. Seasonal Pay Plan, which encompasses all employees hired on an intermittent basis such as lifeguards, recreation aides, and grounds keepers.
 - iv. General Pay Plan, which encompasses all other employees.
- c. The compensation plan was created and is administered based on the following principles:
 - i. Competitive Market. Compensation levels reflect the multiple and varied labor markets covering all City jobs.

- ii. Job Value. The Decision Band Method™ of job evaluation is used to establish the relative internal value and relationship of all jobs within the City.
 - iii. Establishment of Pay Ranges. Pay rates and any specialty pays are established at the 75th percentile of the defined labor market for each job.
 - iv. Equity. The compensation structure is based on the market salary data for benchmark job classifications compiled through periodic salary surveys.
 - v. Advancement. Salary advancement is based on competent performance.
- d. Memorandums of Understanding. The City may have an MOU with one or more employee representative groups. Compensation of employees covered by an MOU is exclusively covered by such MOU and nothing in this EPM 4.1-Compensation shall alter the amount of compensation to which a covered employee is entitled. To the extent the MOU conflicts with provisions of this EPM 4.1- Compensation, the MOU prevails consistent with the Surprise Municipal Code.

2. General Pay Plan

- a. Base Pay. Base pay for employees in the General Pay Plan is determined by applying the qualifications, experience and education of an incumbent within a pay range established for similar positions in comparable job markets.
- b. Specialty Pay. Specialty pay is pay in addition to base pay that is paid to employees based on the nature or type of special work performed. [See EPM 4.9 - Specialty Pay.](#)
- c. Merit Increase. Merit increases are not currently authorized, though the means and method of reinstating Merit increases is under review.
- d. Starting Pay. Candidates selected for employment who meet minimum qualifications shall be offered the minimum of the compensation range applicable to the job classification/position for which the candidate has been selected. Candidates whose qualifications, experience and/or education exceed the minimum qualifications for the position may receive starting pay above the minimum commensurate with their qualifications, experience and education, not to exceed the midpoint of the range. The Human Resources department shall recommend the appropriate level of compensation based on the compensation principles in this policy to the City Manager who must approve, in writing, any increase in starting pay.
- e. Promotion. An employee promoted in accordance with [EPM 3.6 - Employment Changes](#) will be placed at the minimum of the salary range applicable to the new position or will receive a 10% increase in pay, whichever is greater; not to exceed the midpoint of the range.
- f. Demotion.
 - i. Demotion in trial period: A promoted employee who voluntarily demotes, or who had an unsuccessful trial period pursuant to [EPM 3.4- Trial Periods](#), and who returns to the position held prior to promotion will be placed at the

- employee's previous rate of pay, plus any applicable increases the employee would have received in the interim.
- ii. Demotion outside the trial period: An employee who voluntarily demotes in accordance with *EPM 3.6 Employment Changes* after the trial period and who returns to the position held prior to promotion, will be placed at the employee's previous rate of pay, plus any applicable increases the employee would have received in the interim. Demotion to a position other than that previously held will result in receiving a pay rate in accordance with Starting Pay.
 - iii. An employee who voluntarily demotes (without prior promotion) will receive a pay rate in accordance with Starting Pay.
 - iv. An employee subject to an involuntary demotion will be placed no less than the minimum and no greater than the midpoint of the salary range of the new position at the discretion of the Hiring Authority. Under no circumstances may an employee receive the same or more pay after a demotion.
- g. Acting Pay (Temporary Assignment). An employee who is in a Temporary/ "Acting" assignment (See [EPM 3.6 – Employment Changes](#)) will receive a pay increase of 10%, or the minimum of the salary range for the higher position, whichever is greater, but not to exceed the maximum of the salary range, retroactive to the first day of the assignment.
- h. Transfer. An employee transferred to a position in the same pay range (See [EPM 3.6 - Employment Changes](#)) will be placed at the same salary.
- i. Equity Adjustment. Employees performing the same work and who have the same or similar education, experience and qualifications should be paid similarly. Inequity in pay, under such circumstances, should be corrected by bringing all similarly situated employees to the same compensation level consistent with this policy. This can be accomplished through any combination of increase or decrease in pay among the similarly situated employees.

3. Pay Adjustments.

- a. Cost of Living (COLA). All salary ranges in the compensation plan shall be adjusted at the beginning of each fiscal year to reflect regional cost of living increases, based on the Phoenix/Mesa Consumer Price Index (CPI), subject to budgetary approval by City Council.
- b. Market Adjustments. The Human Resources Department will review the City's General Compensation Plan no less than every two years to assure that the compensation ranges are consistent with Municipal Code Section 3-20. When a change in a compensation range is deemed warranted (a Market Adjustment), such shall take effect at the beginning of the fiscal year following the review, subject to budgetary approval by City Council.

- c. Order of Adjustments. When a pay range is impacted by a COLA and Market Adjustment in the same year, the COLA shall be applied first and then a Market Adjustment will be applied sufficient to bring the range within market parity.
- d. Adjustments to Individual Pay. When a COLA or Market Adjustment results in an increase to an employee's applicable pay range, employees in the General Pay Plan will receive an increase in pay sufficient to maintain their position in the range after such adjustment (determined relative to the base). Any Merit Increase will be given after any COLA or Market Adjustments are applied.
- e. Temporary Contract employees are ineligible for any adjustments in pay, unless otherwise set forth in a contract of employment.

4. Position Change . Employees subject to position change in accordance with [EPM 3.6- Employment Changes](#) shall have a change in compensation, exclusive of longevity pay, as follows.

- a. Into a position with a higher starting pay shall be consistent with promotion.
- b. Into a position with an equivalent starting pay - employee's pay shall be consistent with transfers.
- c. Into a position with a lower starting pay shall be consistent with demotion.

5. Reclassification. Employees in positions subject to Reclassification in accordance with [EPM 3.6 - Employee Change](#) shall have pay rates adjusted, exclusive of longevity pay, consistent with Starting Pay.

B. PROCEDURE

1. Establishing Compensation Levels. Pay range minimums and maximums are established by the Human Resources Department based on survey results. Specific pay strategies will include:

- a. Sufficient range spans within bands to allow recognition of performance that meets or exceeds job standards and at least a 5% progression between salary ranges.
- b. When a market comparison rate for a specific job/class differs from the defined job rate by 15% or more, a Market Adjustment will be applied to the salary range for the job/class.

2. Equity Adjustment.

- a. A request for an equity review may be initiated by an employee in the position to be reviewed or anyone in the employee's chain of command by submitting an [Equity Review Request](#) to Human Resources.
- b. Human Resources will identify any other positions performing similar work and compare the qualifications, experience and education of incumbents and evaluate the compensation to assure equity in pay and compliance with this policy. Such review shall be completed within 60 days of submission. The employee requesting such review and any other employees impacted by the review shall be notified in writing of the results.

- c. An equity review that results in an increase in pay shall be retroactively applied to the date the request for review was submitted. Any decrease in pay shall be effective upon completion of the equity review.
- d. Human Resources will take into consideration, and make the appropriate adjustment for, the following
 - i. merit and cola increases for positions being compared;
 - ii. comparison of positions within the division or department;
 - iii. relative value to the organization;
 - iv. unique job responsibilities.



EMPLOYEE POLICY MANUAL

4.2	Pay Checks & Withholdings
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> A.R.S. 23-350 et seq. SMC Sec. 3-21</p>

A. POLICY

1. **Pay Periods.** There are normally 26, and occasionally 27, pay periods per year, each consisting of two weeks. The bi-weekly pay period begins at 12:01 a.m. Monday and ends at 12:00 midnight the second succeeding Sunday.
2. **Pay Day.** Wages will be paid within five business days of the end of the Pay Period. Employees should be aware; however, that national emergency or other extenuating circumstances may delay the normal pay day.
3. **Paychecks.** Employees have the option of having their net wages directly deposited each pay day to a selected account in the financial institution of the employee's choice or receiving a paper paycheck. Paper paychecks will be delivered by U.S. mail to the address for the employee on file with the City.
4. **Withholdings.** The City will deduct from an employee's pay any amounts required by law (i.e. FICA, Tax withholdings, Court Ordered Garnishments, etc.), any amounts subject to a repayment plan pursuant to [EPM 4.11 – Compensation Error/Correction](#), and any amounts authorized by the Employee (Health Insurance, 457 contributions, Association Dues, etc.).

B. PROCEDURE

1. **Direct Deposit.** Employees wishing to have their net pay directly deposited shall complete a [Payroll Direct Deposit Authorization Form](#) and provide it and a copy of a voided check (for checking accounts) or deposit slip (for savings accounts) to the Finance Department. Direct deposit will begin the second pay period after the form is received.
2. **Discretionary Withholdings.** Upon employment, the Human Resources Department will ascertain what, if any, discretionary withholdings a new employee may desire (Medical Insurance, 457, etc.) and assist the new

4.2	Pay Checks & Withholdings	Last Amended: 8/12/13
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employee with preparing and submitting the appropriate forms (See [EPM 2.5 – Job Offer Process](#)). Thereafter, during the City’s annual open enrollment, each employee will be provided with a summary of the discretionary withholdings and an opportunity to change discretionary authorized deductions.



EMPLOYEE POLICY MANUAL

4.3	Workdays, Workweeks & Work Schedules
<p><u>Issued:</u> January 16, 2009</p> <p><u>Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> A.R.S. 23-394, 23-392 29 USC 207 SMC Sec. 3-21</p>

A. POLICY

1. Established Workdays/Workweeks.

- a. Generally. The City Manager shall establish the standard work day, work week, and operating hours for the City. No established schedule shall be construed as a guarantee of work hours or as a restriction on the City's right to restructure the work day or work week.
- b. Memorandums of Understanding (MOU). The City may have an MOU with one or more employee representative groups. To the extent not inconsistent with City Code, the workdays, workweek and work schedules of employees to whom the MOU applies are exclusively governed by such MOU and nothing in this EPM – Workdays, Workweeks & Work Schedule shall alter the workdays, workweek and work schedules as set forth in such MOU. To the extent this EPM – Workdays, Workweeks & Work Schedule conflicts with the MOU, the MOU prevails consistent with Surprise Municipal Code.
- c. Work Weeks/Work Periods. The workweek for employees shall be 7 calendar days beginning at 12:01 am Monday and ending at 12:00 am the following Sunday.

2. **Schedules.** Department directors are responsible for establishing the work schedule for each employee under their direction. No established schedule shall be construed as a guarantee of work hours or as a restriction on the City's right to change the schedule. Except in emergency situations or extenuating circumstances, department directors will provide employees with reasonable advanced notice of schedule changes. Department directors are permitted to alter schedules for department operations and/or work with employees to create alternative schedules in accordance with [EPM 4.4 - Alternative Work Schedules \(AWS\)](#)



EMPLOYEE POLICY MANUAL

4.4	Alternative Work Schedules
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 5, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-21

A. POLICY

1. **Generally.** The City Manager has established the weekly hours during which the City, its departments and divisions, are open to the public and/or provides service (“Core Hours”). Departments must have sufficient staffing to provide high quality services to the public during Core Hours.
2. **Alternative Work Schedule, Defined.** An Alternative Work Schedule (AWS) is an employee requested permanent schedule that differs from the Core Hours established for the employee’s department/division. Certain positions, offices, units, divisions, or departments may not be eligible for an AWS due to operational demands.
3. **Approval/Change/Cancellation.** Approval of an AWS for individual employees is based upon operational and service needs. Such approval may also be based upon consideration of the employee’s job performance, special needs, employee’s attendance and timeliness, and any disciplinary issues involving the employee. An employee may change their AWS up to four times per fiscal year with the written approval of the employee’s supervisor and department director. With two-week written notice, an AWS may be cancelled at the department director’s discretion, after consultation with Human Resources.
4. **Parameters.** All AWS must conform to the following parameters:
 - a. No AWS may be implemented which builds-in, creates or necessitates the working of overtime hours by any employee.
 - b. No AWS may be implemented which has a negative impact or effect on customer service standards, metrics, or other performance measures.
 - c. No AWS may be implemented which allows or causes an employee to perform duties for a number of hours per workday or workweek which are, in the opinion of management, excessive. No AWS may be implemented which allows employees to work in non-secure environments or situations.

5. Non-Exempt Employees.

- a. All AWS approved for full-time, regular non-exempt employees must contain 40 hours (32 hours for certain full-time employees) worked each work week.
- b. A non-exempt employee's AWS must include an unpaid meal period consistent with [EPM 4.5 - Records of Time Worked, Meal & Break Periods](#).
- c. AWS for non-exempt employees must be in writing.

6. Holidays.

- a. Employees on an approved AWS, who have a regularly scheduled day off on a City Holiday as defined in [EPM - 5.2 Holidays](#), may observe that holiday either the work day immediately preceding or following the City Holiday, as approved by the department director.
- b. Non-Exempt Employees on an approved AWS will receive Holiday Pay in an amount equal to the number of hours the employee is regularly scheduled to work on the day the holiday is observed, not to exceed 12 hours.

7. PTO on an Approved AWS

- a. Non-Exempt Employees on an approved AWS will be paid time off in an amount equal to the actual number of hours taken and in accordance with their AWS.
- b. Exempt Employees on an approved AWS, in accordance with [EPM 5.1 - Paid Time Off \(PTO\)](#), will be paid PTO in an amount equal to the number of hours the Exempt Employee is regularly scheduled to work in accordance with their AWS.

8. Working on a Scheduled Day Off.

Operational demands may occasionally require an employee on an AWS to work on a day normally scheduled off. In such case the supervisor should give the employee as much advance notice as practicable. If an employee is required to work on a day normally scheduled off, the employee will be given, at the supervisor's discretion, an alternate day off in the same work week. Alternatively, if the employee is non-exempt, the employee will either be paid overtime or (if eligible) may bank compensatory time as provided in [EPM 4.6 - FLSA, Overtime and Compensatory Time](#) .

7. AWS Schedule Options.

AWS schedule options include, but are not limited to:

- a. Flex-Time. Non-Exempt Employees on this schedule establish the regular number of hours to be worked for each day of work, but are given a defined degree of flexibility as to when the work day will begin or end. For example, an employee may have a Monday through Thursday 4-10 schedule with a start time of no later than 8 am and end time no earlier than 4 pm. An

employee on this schedule must still work a full 10 hours, excluding non-compensable breaks.

- b. Fixed-Time. Employees on this schedule establish specific stop and start times on specified work days. For example, an employee may have a Monday – Wednesday schedule of 7am to 6 pm and Thursday and Friday schedule of 7am to 12 pm.

B. PROCEDURE

1. **Scheduling.** All non-exempt employees desiring to work an AWS shall complete and sign an [Alternative Work Schedule Form](#), providing the details of the requested schedule, and submit same to their immediate supervisor for approval. If approved, the AWS form, signed by the appropriate supervisor, must be submitted to Human Resources and included in the employees personnel file, with a copy to the employee. No AWS shall be approved that violates the parameters defined in section A (3) above.
2. **Changes.** An [Alternative Work Schedule Form](#) must be completed and submitted as provided in section B (1) above each time the employee's work schedule is changed.



EMPLOYEE POLICY MANUAL

4.5	Records of Time Worked
<p><u>Issued:</u></p> <p>June 15, 2009</p> <p><u>Last Amended Date:</u></p> <p>August 12, 2013</p>	<p><u>Applicable Law/Statute:</u></p> <p>29 USC 201-219, SMC Sec. 3-21</p>

A. POLICY

1. **Recording Time Worked.** All non-exempt employees are required to accurately report all time worked for the City. Time sheets and other records, as directed by the Finance Department, shall be used to document the hours worked by non-exempt employees so that wages can be determined.
2. **Time Records.**
 - a. Time records for non-exempt employees shall be prepared and either signed by the employee for whom such records pertain or, in the case of non-administrative Fire personnel, otherwise verified. No employee shall direct or allow another person to prepare and/or sign their time record, except that a supervisor may prepare a time record if the employee is absent. The employee must sign the time record upon return.
 - b. Each department shall develop a process to assure accurate and timely submission of time worked. Errors/inaccuracies in reported time worked is the responsibility of the department and the involved employees.
3. **Early/Late Work.** Non-exempt employees should not commence work and/or sign-in more than seven minutes before their scheduled starting time or continue working and/or sign-out more than seven minutes after their scheduled ending time without the advanced approval of the employee's supervisor, except in emergency situations where advance approval cannot be obtained. Notwithstanding this section, employees must accurately report time worked pursuant to this policy. Failure to do so will result in corrective action principles being applied in accordance with [EPM 10.1-Corrective Action Principles](#).
4. **Unpaid Meal Periods.**
 - a. Certain employees are granted an unpaid meal period of at least 30 minutes each work shift. Meal scheduling is subject to the approval of the immediate supervisor. Meal breaks should be at or near the middle of the shift.

Employees scheduled for an unpaid meal period are to be completely relieved of duty and should be directed to leave their work station for the meal period. Employees who choose to remain at their work station during their unpaid meal period are not permitted to perform work duties without the advance direction/approval of their supervisor, except in emergency situations where advance approval cannot be obtained.

- b. Non-exempt employees are required to exclude all unpaid time spent for meal breaks on their time card, time sheet or other time records. If a non-exempt employee is directed or permitted to work through their lunch, this must also be indicated as time worked on the time record, along with the supervisor's approval of same.

5. **Paid Meal Periods.** Certain employees (police, fire, and communications officers) are scheduled to work eight or more consecutive hours with no unpaid lunch period. Except when operational demands or unusual circumstances prohibit, these employees may take a paid lunch period during **each eight hours worked**. All such employees are subject to call and return to duty (without additional pay) during any paid lunch period if operational demands require or as directed by a supervisor.
6. **Rest Periods.** Rest periods of short duration (10 minutes or less up to twice per shift), commonly referred to as "breaks," may be taken by employees at the discretion of the department director. Rest periods are paid time. Normal rest periods missed or not taken do not accumulate, cannot be added to other rest periods, and cannot be used to extend the unpaid meal period or appended to the beginning or end of the work day.
7. **Minimum Increments.** Time worked for non-exempt employees is rounded to the **nearest** quarter-hour for pay purposes, with the minimum increment being a quarter-hour.
8. **De Minimus Time.** Operational demands sometimes require that employees be contacted while off-duty. Insubstantial or insignificant periods of time outside scheduled working hours may be disregarded in recording time worked for non-exempt employees. This rule applies only to those times where the work involved is limited to a few seconds or minutes that cannot as a practical administrative matter be precisely recorded for payroll purposes. Such time is considered "de minimus," i.e., minor or trivial. If an employee works for more than seven minutes, it must be reported as time worked. Employees requested to perform work outside scheduled working hours beyond de minimus amounts shall, except in emergency circumstances, receive advance approval of a supervisor to perform such work.

B. Procedures

1. Time Records

- a. Time reporting guidelines can be found on the intranet at: <http://insidesurprise/documents/time-card-entry-guidelines>
- b. Requests for changes or corrections to time records must be submitted through the chain of command of the affected employee and pursuant to the department specific time reporting process. Any corrections submitted to payroll must be done by the department's designee, must be submitted via email, must include specific information regarding the error and correction being sought, and must include copies of any applicable supporting documentation.



EMPLOYEE POLICY MANUAL

4.6	FLSA, Overtime & Compensatory Time
<p><u>Issued:</u></p> <p>January 16, 2009</p> <p><u>Last Amended Date:</u></p> <p>August 12, 2013</p>	<p><u>Applicable Law/Statute:</u></p> <p>29 USC 201-219, 29 CFR 541.602 and 541.710 SMC Sec. 3-22</p>

A. POLICY

1. **Generally.** The Fair Labor Standards Act (FLSA) sets the minimum wage, overtime pay, equal pay, record keeping and child labor standards for covered employees. For purposes of determining eligibility for overtime compensation, the FLSA contains rules which define employees as either covered (“non-exempt”) or not covered (“exempt”) by the overtime pay requirements.
2. **Exemption Determinations.** The Human Resources Director, in consultation with the City Attorney’s Office, will determine the FLSA exemption status of all City job classifications. The exempt status for each position is listed on the Job Description.
3. **Overtime**
 - a. Non-exempt employees will be paid at the rate of at least one and one-half times the employee’s regular rate of pay for all hours of overtime as required by the FLSA. All hours spent in active pay status will be counted for eligibility toward overtime compensation.
 - b. There shall be no "pyramiding" of overtime hours paid. “Pyramiding” refers to paying an employee overtime (1½ times regular rate) for hours worked when the employee already received 1½ times the applicable hourly rate for the same number of hours in the work period.
 - c. Overtime costs should be held to a minimum consistent with the needs of the City and service to all citizens. All overtime must be scheduled and/or approved by the employee’s supervisor in advance, except in emergency situations (as defined by the department) where advance approval cannot be obtained. Overtime worked without approval may result in corrective action pursuant to [EPM 10.1 - Corrective Action](#). Notwithstanding this subsection, employees must report all hours worked pursuant to [EPM 4.5 - Records for Time Worked](#) and shall be compensated whether approved or not. Refusal to accept an overtime assignment may result in corrective action.
 - d. A department may “flex” a non-exempt employee’s work schedule within the work week in order to keep the employee’s work hours at the employee’s authorized

number of hours for the week. "Flex" for this purpose means to temporarily alter the employee's starting and/or quitting times for a day or days in a work week. For example, if a non-exempt employee who normally works eight hours per day, five days per week, is required to work 10 hours on Monday, the department may require the employee to work two hours less on another day in the same work week in order to keep the employee's hours at or below the authorized number of hours. "Flexing" may only be done within the same work week, not over a two-week pay period, and shall only be done in accordance with department procedure.

- e. Supervisory level employees may approve time off not counted as PTO for exempt employees who work in excess of the reasonably anticipated work week. For example, an exempt employee who is required to work their regular hours and then attend a board or committee meeting on behalf of the City at night may be given time off not counted as PTO. This grant of time off does not have to be in the same work week, however.

4. Compensatory Time.

- a. **Overview.** Regular full-time non-exempt employees in participating departments may elect to accrue compensatory time in lieu of receiving cash payment for overtime worked. Compensatory time will be earned at the rate of one and one-half hours for each hour of overtime worked. Civilian employees may accrue a maximum of 240 hours of compensatory time at any one time. All overtime hours worked in excess of the maximum limit must be paid in cash.
- b. **Department participation.** Employees may not elect to receive compensatory time in lieu of paid overtime unless their department has created a compensatory time program. Any such program must define program criteria and must assure accurate and timely reporting of compensatory time accrual and use. Compensatory time programs cannot apply to regularly scheduled overtime.
- c. **Use.** The City will make every effort to approve requests to use compensatory time. All requests to use compensatory time will be granted within a reasonable period, not to exceed six months, after the request is made. If the granting of compensatory time will unduly disrupt the City's operations, the request will be denied. Employees who have been unable to use compensatory time within a reasonable time after requesting the use of compensatory time may request payment for such time in cash. Such requests may be granted at the discretion of the department director. The City may, at any time, pay or require an employee to take off accrued but unused compensatory time.
- d. **Separation from Employment:** Upon separation from employment, all accrued but unused compensatory time will be paid to the employee at the employee's then current regular rate of pay.
- e. **Annual Payout.** In the last pay period of the fiscal year, all accrued but unused compensatory time will be paid to the employee at the employee's then current regular rate of pay.

B. PROCEDURE

- 1. Approval of Comp Time Off.** Use of Compensatory time must be requested and approved in writing, in advance, on a [City of Surprise Leave Request Form](#). The granting of such leave is subject to operational demands.
- 2. Election.** An employee electing to receive compensatory time off in lieu of receiving cash payment for overtime must submit a request on the employee's time sheet or overtime slip approved by the employee's chain of command.



EMPLOYEE POLICY MANUAL

4.7	Call Back
<u>Issued:</u> June 15, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> 29 USC 201-219, SMC Sec. 3-3

A. POLICY

1. **Eligibility.** Non-exempt employees who are unexpectedly required to work at a time which is disconnected from the employee's normal and/or any pre-scheduled work time, and who work less than two hours on that day as a result of such call back to work, are entitled to "Inconvenience Pay" as set forth in [EPM 4.9 – Specialty Pay](#).
2. **Memorandums of Understanding.** The City may have an MOU with one or more employee representative groups. Compensation of employees covered by an MOU is exclusively covered by such MOU and nothing in this EPM 4.7 – Call Back shall alter the amount of compensation to which a covered employee is entitled. To the extent the MOU conflicts with provisions of this EPM 4.7- Call Back, the MOU prevails consistent with the Surprise Municipal Code.

B. PROCEDURE

1. **Reporting.** An employee must report the actual amount of time worked on a call-back consistent with [EPM 4.5 - Records of Time Worked](#). If the number of hours worked on a call-back on any one day is less than 2 hours, the employee must include a call back notation in the special codes section. See Time Reporting Guidelines on the intranet at: <http://insidesurprise/documents/time-card-entry-guidelines>.



EMPLOYEE POLICY MANUAL

4.8	Standby Duty
<p><u>Issued:</u> June 15, 2009</p> <p><u>Last Amended Date:</u> March 1, 2016</p>	<p><u>Applicable Law/Statute:</u> 29 USC 201-219, 29 CFR 553.221 and 785.17 SMC Sec. 3-22</p>

A. POLICY

1. **Standby Duty Defined.** Standby duty is a specific period of time during non-work hours when a non-exempt employee remains prepared to respond within a specified response time to a call for service.
2. **Standby Duty Programs.**
 - a. Department directors have the primary responsibility for identifying the particular job functions in their departments which require standby duty under this policy. All assignments of standby duty must be in conformance with a written program prepared by the department.
 - b. Any standby duty program under this policy must include the following:
 - i. Initial call-backs by cellphone or pager;
 - ii. Employee freedom to swap on-call shifts with other employees;
 - iii. Documented freedom for the employee to engage in personal pursuits while on “standby”.
 - iv. Any fixed response time must not be unduly restrictive.
 - v. Reviewed by the City Attorney’s Office for legal sufficiency.
 - c. Employees on an approved leave of absence are not eligible for standby duty.
3. **Compensation.** Non-exempt employees on Standby Duty will receive Standby Duty Specialty pay consistent with [EPM 4.9- Specialty Pay](#). If called back to work, employees on Standby Duty will be paid their regular hourly rate for time actually worked in accordance with [EPM 4.1 – Compensation](#) and [EPM 4.10 Working Time](#), in addition to Standby Duty Pay. Employees on Standby Duty are not eligible for Inconvenience Pay under [EPM 4.7 – Inconvenience Pay](#). Employees that are on stand-by will stop earning stand-by pay once called back to work. The employee will not start receiving the stand-by pay until they have completed their work and are not receiving compensation for work time.

4. **Time Reporting.** Employees must report all hours worked in accordance with [EPM 4.5 – Records of Time Worked](#).
5. **Memorandum of Understanding.** The City may have an MOU with one or more employee representative groups. Compensation of employees covered by an MOU is exclusively covered by such MOU and nothing in this EPM 4.8- Standby Duty shall alter the amount of compensation to which a covered employee is entitled. To the extent the MOU conflicts with provisions of this EPM 4.8- Standby Duty, the MOU prevails consistent with the Surprise Municipal Code.

B. PROCEDURE

1. **Reporting Standby Duty.** An employee on standby duty must report such duty status on their time records. See Time Reporting Guidelines on the intranet at: <http://insidesurprise/finance/DocumentManager/FinanceDocuments/FinancePolicies/TimeCardReportingGuidelines/TimeCardReportingGuidelines>.
2. **Reporting Compensable Time Worked.** An employee who performs compensable work while on Standby Duty shall report the actual amount of time worked consistent with [EPM 4.5- Records of Time Worked](#).



EMPLOYEE POLICY MANUAL

4.9	Specialty Pay
<p><u>Issued:</u> December 1, 2009</p> <p><u>Last Amended Date:</u> March 1, 2016</p>	<p><u>Applicable Law/Statute:</u> 29 USC 201-219, SMC Sec. 3-22</p>

A. POLICY

1. **Generally.** The City provides additional compensation to eligible employees for specified purposes. All such payments are referred to as specialty pay. All specialty pay, except as otherwise noted herein, is included in the regular rate of pay for non-exempt employees for purposes of overtime calculation.
2. **Memorandums of Understanding (MOU).** The City may have an MOU with one or more employee representative groups. Compensation of employees covered by an MOU is exclusively covered by such MOU and nothing in this EPM 4.9 - Specialty Pay shall alter the amount of compensation to which a covered employee is entitled. To the extent the MOU conflicts with provisions of this EPM 4.9- Specialty Pay, the MOU prevails consistent with the Surprise Municipal Code.
3. **Bilingual Pay.**
 - a. Each department director, with the concurrence of the Human Resources Director, is responsible to determine the need for bilingual services by department employees.
 - b. All approved employees who demonstrate competency in speaking a foreign language are eligible for bilingual pay. Competency must be demonstrated through proficiency testing administered by or through the Human Resources Department.
 - c. Amount.
 - Level 1 (conversational proficiency) – twenty nine cents (\$0.29) per hour
 - Level 2 (certified translation proficiency) – seventy cents (\$0.70) per hour
 - d. Employees receiving bilingual pay must be available during work hours to provide translation assistance.
4. **Standby Pay.** Employees assigned to Standby Duty pursuant to [EPM 4.8 - Standby Duty](#), will receive **two** dollars (\$2.00) for each hour served in a Standby

Duty assignment. Standby Pay is not included in the regular rate of pay for purposes of overtime calculation.

5. **Inconvenience Pay.** Employees called back to work as described in [EPM 4.7 – Call Back](#) will receive an amount equal to two hours pay at the employee's regular rate or actual hours worked, whichever is greater. Inconvenience Pay is not included in the regular rate of pay for purposes of overtime rate calculation.
6. **Longevity Pay.** Employees shall be eligible for Longevity Pay as follows:
 - a. Upon completion of 8 years of City Service as a Regular Full-time employee - 2% of their regular rate;
 - b. Upon completion of 10 years of City Service as a Regular Full-time employee - 4% of their regular rate.

B. PROCEDURE

1. Pay Request.

- a. Department directors who have a business need for any work to which a specialty pay applies must submit a written request to the Human Resources Department describing the business need for such duty assignment, the number of positions necessary to fill the need, and the identity of employees intended to fill the special duty assignment/s. Special duty assignments include any duty assignment/specialized task to which a specialty pay applies under the EPM or any MOU in effect.
- b. The Human Resources Department will arrange or administer the appropriate competency testing when required.

2. Approval Process.

- a. Upon receipt of a request under this policy, Human Resources will create the appropriate Personnel Action Form (PAF) identifying the eligible employee, the applicable premium, and the effective date(s).
- b. Human Resources will prepare the PAF and forward it to payroll, along with the original request.
- c. Payroll is responsible to verify availability of funds and make the appropriate changes in the payroll system to effectuate the change.
- d. Payment of specialty pays should commence beginning the first complete pay period after approval is received by payroll.



EMPLOYEE POLICY MANUAL

4.10	Working Time
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> 29 USC 201-219, 29 CFR 785.11 and 553.221 SMC Sec. 3-22

A. POLICY

- 1. Generally.** Working time includes all of the time during which an employee is on duty, or during which the employee is “suffered or permitted” to work for the benefit of the City. Working time must be reported in accordance with [EPM 4.5-Records for Time Worked](#).
- 2. Meal/Break Time.** Time spent for meal breaks and/or resting or sleeping is not working time unless during such meal/break time the employee must be available to perform work.
- 3. Working Time.** Time spent performing work that benefits the City and includes time spent picking up/dropping off equipment, cleaning vehicles/equipment/work areas and equipment maintenance is compensable time.
- 4. Non-Working Time.** Time spent at the place of work before or after the work shift during which the employee performs no work is not compensable time.
- 5. Attending Training.**
 - a. Time attending any work-related training, program, seminar, conference, convention, course or workshop, the costs for which was paid by the City, is compensable time.
 - b. Time attending work-related training, program, seminar, conference, convention, course or workshop during the employee’s regular work hours, is compensable time.
 - c. Time attending training, program, seminar, conference, convention, course or workshop is not compensable when all four of the following criteria are met:
 - i. Attendance is outside of the employee's regular working hours;
 - ii. Attendance is in fact voluntary;

- iii. The course, lecture, or meeting is not directly related to the employee's job; and
 - iv. The employee does not perform any productive work during such attendance.
- d. All training, whether directed by the City or requested by the employee, must be approved in advance by the employee's department director. The department director has the authority to reschedule an employee's hours of work and/or days worked to attend training.

6. Travel.

- a. **Commuting Time.** Time spent by an employee commuting to and from work is not work related travel and is not compensable time. This is true even if the employee is directed to travel from home to a different work site in Surprise. Compensable time in such cases begins when the employee reaches the alternate work site and begins work.
- b. **Travel During a Day's Work.** Travel time is compensable work time when it occurs on an employee's normal workday (before, during, and/or after normal work hours), is part of the employee performing a work assignment for the City, and is not commuting time.
- c. **Overnight Travel.** Work related travel away from home overnight, done during an employee's normal working hours (even on weekends and holidays) is compensable time. Time spent traveling outside the employee's normal working hours is compensable if the employee is driving, is not otherwise free to relax, or performs work on behalf of the City.

B. PROCEDURE

1. **Reporting Working Time.** Working time must be reported in accordance with [EPM 4.5 - Records for Time Worked](#).
2. **Reimbursable Expenses.** Requests for reimbursement for job related expenses, including travel and training expense, must be submitted in accordance with [EPM 6.5 – Reimbursements, Allowances & Stipends](#).



EMPLOYEE POLICY MANUAL

4.11	Compensation Errors/ Correction - NEW
<u>Issued:</u> August 5, 2013 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> None

A. POLICY

1. **Generally.** The City will make every effort to ensure that employees are paid correctly and that benefits were administered accurately. In cases of improper payment of wages and/or administration of benefits such errors shall be promptly corrected.
2. **Compensation Error Defined.** For purposes of this policy, a Compensation Error is the calculation of the amount of wages or benefits owed an employee contrary to written City Policy or the law, resulting in the over/under payment of such wages or benefits. Such errors may include data entry errors, calculation errors and/or equipment/software errors.
3. **Time Period.** All Compensation Errors will be retroactively corrected for a period of no more than two (2) years from the date the error was discovered. Notwithstanding this subsection, errors in contributions to a State retirement system will be corrected for the entire period of membership.
4. **Notice.** Employees will be given written notice of a Compensation Error within 14 calendar days of discovery of the error. Such notice will include the following information, to the extent known:
 - a. Reasonable description of the error.
 - b. Reasonable description of how and when the error will be corrected.
 - c. Period during which error occurred.
 - d. Amount of money to be paid by or to the employee as a result of the Compensation Error.
 - e. Right to grieve the determination under [EPM – 9.8 Grievance/Complaint](#).

If the Compensation Error is still under review at the time of the notice, the Notice shall include the anticipated completion date. Upon completion of the review of the

Compensation Error, the Employee will receive a Notice proscribed by this subsection that includes the final results of the review.

- 5. Repayment.** Employees required to repay money to the City as a result of a Compensation Error may make repayment arrangements through the Finance Department over a period not to exceed the period during which the error occurred. For example, if a Compensation Error resulted in an employee being overpaid \$100.00 over a six month period, the employee may make repayment arrangements to repay the \$100.00 over a six month period.
- 6. Applicability.** The repayment provision of this policy will apply to all Compensation Errors discovered on or after January 1, 2014.

B. PROCEDURE

1. Accuracy of Records.

- a. All employees should routinely examine any and all documents submitted to the City for reimbursement or wages, including time cards, travel reimbursement requests, etc. to ensure that the information is accurate. Submission of such documents by an employee affirms that the employee has reviewed the document/s and that such is accurate. Failure to submit accurate documentation may be subject to corrective action pursuant to [EPM 9.1 - Rules of Conduct](#).
- b. All employees should routinely examine any documents received from the City pertaining the payment or accrual of benefits, including pay stubs, benefit summary documents, travel reimbursements, etc. to ensure the information is accurate. Any errors should be reported as set forth in section (B)(2).

- 2. Reporting Errors.** Any employee who believes a Compensation Error has been made should immediately report the error by notifying his/her immediate supervisor, **and** submitting a [Compensation Error Report](#).

- 3. Internal Audit.** Upon submission of a Compensation Error Report, the existence of any error will be determined by an internal audit and finding made in writing.

- 4. Notice of Compensation Error.** The Human Resource Department is responsible for preparing and providing Notice to the employee as required by this policy.

5. Repayment.

- a. Employee's who have been over compensated but who do not make repayment arrangements will repay the amount owed through recurring pay deductions in the maximum amount allowed by law, but not more than what would leave the employee with minimum wage net pay, beginning in the pay period after the affected employee receives the Notice until the full amount is repaid.

- b. The repayment shall be **without** interest as long as the Compensation Error was not knowingly or intentionally caused by the employee.
- c. Employees who owe the City money at the time of separation from service for any reason shall have an amount deducted from their wages to the maximum amount allowed by law. Any amount still owing will be remitted to the City Attorney's Office for collection consistent with this policy.
- d. Compensation Errors that are discovered after separation from service will be remitted to the City Attorney's Office for collection consistent with this Policy.



EMPLOYEE POLICY MANUAL

4.12	Emergency Operational Closings
<p><u>Issued:</u></p> <p>December 1, 2009</p> <p><u>Last Amended Date</u></p> <p>August 12, 2013</p>	<p><u>Applicable Law/Statute:</u></p> <p>SMC Sec. 3-20</p>

A. POLICY

1. **Generally.** City operations may be closed for specific periods of time in response to emergency situations. Utilization and payment of employees during such closings will be handled in accordance with this policy.
2. **Department Procedures Required.** Each City Department shall develop written procedures consistent with this policy which at a minimum include:
 - a. Identify “Designated Positions” within the department and the incumbents in those positions,
 - b. The manner in which employees will be notified of designation as “essential”, and
 - c. The manner in which department employees will be notified of emergency operational closings.
3. **Designated Positions.**
 - a. **Definition.** “Designated Positions” for the purposes of this policy means those positions that are essential during any specific emergency operational closing for continued continuity in essential city services. Employees identified as incumbents in a Designated Position may be required to work during an emergency operation closing, regardless of the employee’s regular work schedule. Departments may identify different Designated Positions for different situations. For example, certain positions may be designated as essential to department operations during heating, water or electrical-related closures while other positions may be designated as essential during a flu pandemic.
 - b. **Duty to Report.** Employees identified as the incumbent of a Designated Position in a department procedure under this policy must report as directed by their supervisor or department director, even if the employee is on

- approved leave. Failure to timely report may result in corrective action. If the employee is on approved leave during an emergency operational closing and is not required to report for work, the employee will have the pre-approved PTO charged to their PTO balance.
- c. Approved Disability Leave. Employees in Designated Positions who are on an approved medical leave will not be required to report for work.

4. Non-Designated Positions.

- a. Compensation. Non-exempt Employees who are not identified as incumbents in a Designated Position will be paid for the hours the employee was scheduled to work during an emergency operational closing, up to a maximum of 24 hours, so long as the employee was in active pay status the day before and the day after the emergency operational closing. Approval for pay during an emergency operational closing beyond 24 hours will be at the discretion of the City Manager. Pay for exempt employees will comply with applicable law and [EPM 4.6 – FLSA, Overtime and Compensatory Time](#).
- b. Pre-Approved Leave. If an employee is on a approved leave during an emergency operational closing and is not required to report for work, the employee will have the pre-approved PTO charged to their PTO balance.

5. Telecommuting Policy During Emergency Operational Closing.

- a. Definition. “Telecommuting” for the purpose of this policy is defined as a work arrangement whereby selected City employees are allowed to perform the normal duties and responsibilities of their position, through the use of computers or other telecommunications, at home or another place apart from the employees’ usual place of work.
- b. Participation. Participation in telecommuting will be at the discretion of the employee’s supervisor or department director. The City may require an employee to telecommute in order to reduce the risk of spreading communicable disease at the worksite or to otherwise assist in the management of the emergency.
- c. Compensation. Telecommuters will be compensated for all pay, leave, and overtime and travel entitlement as if duties were being performed at the City work location, consistent with City policy.
- d. Other. Other specific policies regarding telecommuting during an emergency operation closing and specific procedures for implementing same are contained in the City of Surprise Pandemic Influenza Preparedness Plan.



EMPLOYEE POLICY MANUAL

5.1	Paid Time Off (PTO)
<u>Issued:</u> December 1, 2009 <u>Last Amended Date:</u> April 25, 2016	<u>Applicable Law/Statute:</u> SMC Sec. 3-51

A. POLICY

1. **Generally.** All regular, full-time employees are eligible to accrue, earn and request the use of Paid Time Off (PTO) beginning on the employee's first day of employment with the City. Employees are expected to use accrued PTO responsibly to assure necessary rest and relaxation away from work. Employees are also expected to maintain an appropriate balance of PTO for use in unexpected emergencies or in cases of serious illness or injury.

2. **Memorandums of Understanding (MOU).** The City may have an MOU with one or more employee representative groups. To the extent not inconsistent with City Code, the amount of paid time off accrued by employees to whom the MOU applies is exclusively governed by such MOU and nothing in this EPM 5.1 - Paid Time Off shall alter the terms of paid time off as set forth in such MOU. To the extent this EPM 5.1 - Paid Time Off conflicts with the MOU, the MOU prevails consistent with Surprise Municipal Code.

3. **Accrual.**
 - a. **Generally,** an eligible employee shall accrue PTO during every completed pay period the employee is in active pay status at the accrual rates shown below.

Battalion Chiefs:

City Service	Accrual Rate	Years of Service	Accrual Rate
< 1 year	10.15	6 years	12.92
1 year	10.62	7 years	13.39
2 years	11.08	8 years	13.85
3 years	11.54	9 years	14.31
4 years	12.00	10 years	14.77
5 years	12.46		

All other employees:

City Service	Accrual Rate	Years of Service	Accrual Rate
< 1 year	6.46	6 years	8.31
1 year	6.77	7 years	8.62
2 years	7.08	8 years	8.92
3 years	7.39	9 years	9.23
4 years	7.70	10 years	9.54
5 years	8.00		

- b. Full-time employees who are regularly scheduled to work between 32 and 40 hours per week shall accrue PTO each completed pay period on a pro-rated basis, rounded to the nearest 100th.
- c. When recruiting for highly competitive, technical or specialized positions an initial PTO allocation may be provided on the hire/promotion date as approved in writing by the City Manager.
 - i. Department Directors may request Paid Time Off (PTO) hours to be included in a job/promotional offer letter. Requests shall be made in writing addressed the Human Resources Director. Requests must explain the reason in which PTO hours are being requested to successfully fill the position with the candidate;
 - ii. PTO advancements are limited to 80 hours unless specifically approved by the City Manager due to unique recruitment needs;
- d. In the event PTO is offered during an employment/promotional offer to an existing employee, and the employee's current PTO bank cannot sufficiently accept the quantity of hours due to the maximum accrual cap, the following will occur:
 - i. The employee's PTO bank will be credited with the quantity of hours in which can be accepted and not exceed the PTO maximum accrual as defined by EPM.
 - ii. The remaining PTO hours will be paid to the employee at the rate of pay of the new position, -OR- credited to the employee's 457 account, at the employees request.
- e. Persons hired/promoted to Department Director or above, may receive an alternative PTO accrual rate, as approved in writing by the City Manager. The City Manager may authorize an accrual rate at any "years of service step" within the EPM.
- f. For key management positions within the organization in which a prior city employee is returning to employment with the City, the City Manager may authorize an accrual rate which is commensurate with their prior years of city service

5.1	Paid Time Off (PTO)	Last Amended: 04/25/16
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- i. To be eligible for this consideration, separation of service may not be greater than 60 months;
- ii. Regardless of the quantity of prior years of service, the alternative accrual rate will not exceed the accrual rate of five years of service;
- iii. The accrual rate will be calculated based on the quantity of prior city service, up to five years. (Example: a rehired employee meeting the requirements of this directive has 3.25 years of prior city service. A date reflective of this quantity of service will be utilized for initial accrual rate placement and to calculate eligibility of all future accrual rate increases)

4. Maximum PTO Accrual. The maximum amount of PTO which may be accrued by employees is 560 hours. Upon reaching the applicable maximum, an employee shall cease accruing PTO until the employee's hours drop below the maximum.

5. Use of PTO Generally.

- a. PTO is accrued in sufficient amounts to allow employees to take time away from work. The amount of an employee's accrued and unused PTO is available on the intranet through My Information Center (MIC).
- b. Use of PTO by exempt employees must be in full day increments. Use of PTO by non-exempt employees must be rounded up to the nearest quarter hour.
- c. Employees are responsible for knowing the amount of PTO available for their use. Such use must be requested and approved in advance as described in this policy. Granting of requests for PTO use is subject to the approval of the supervisor and operational demands.
- d. Any employee who is absent from work without approved leave is subject to the appropriate action under either [EPM 10.1 - Corrective Action Principles](#) and/or [EPM 3.11 - Separating From Service](#).

6. Use of PTO for Unplanned Absence

- a. Employees may request the use of PTO for unplanned absences in the following circumstances:
 - i. Illness or injury of the employee;
 - ii. Illness or injury of an employee's spouse, domestic partner, or dependent residing in the employee's household or primary care giver of such individual with a disability.
 - iii. Unforeseen emergency or circumstances necessitating the employee's absence from work.

- b. Employees absent from work for unplanned absences and receiving PTO may not work, perform services, receive or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by their department director.
- c. Any Employee absent from work because of an unplanned absence for three or more consecutive work days may be required to provide medical justification for the absence and/or submit to a fitness for duty examination pursuant to [EPM 2.7 – Medical Examinations](#).

7. Use of PTO for Planned Absences. Employees who plan to be absent from work (not unplanned absence discussed above) must submit a request for PTO and have the request approved by the employee's supervisor no later than the end of the shift immediately prior to the intended absence.

8. Wages While On PTO. Employees on approved PTO will be paid at their regular rate of pay and the number of PTO hours used deducted from their PTO balance. Employees who separate from service will be paid for accrued but unused PTO at separation from service as provided in [EPM 3.11 – Separating Service](#).

9. PTO Cash Conversion

- a. Financial Hardship. Employees experiencing financial hardship may request the conversion of up to 40 hours of PTO to cash. "Financial hardship" for purposes of this section means significant unforeseeable circumstances such as sudden loss of household income, unexpected medical expenses, sudden loss of transportation or loss of primary place of residence. Financial situations incurred such as debt collection, tax levy, tuition expenses and other similar related financial matters will not be eligible as "financial hardships": PTO cash out is limited to once per employee per rolling calendar year, from the date paid.
- b. Operational Needs. Operational needs may require employees to forgo leave resulting in the accumulation of a high number of hours of PTO. In such circumstances up to 40 hours PTO may be cashed out to avoid exceeding the maximum PTO accrual. PTO cash out is limited to once per employee per rolling calendar year, from the date paid.

10. Donated PTO.

- a. Eligibility. Any full-time regular City employee may apply to the Human Resources Department to receive donated PTO. To qualify, the employee requesting donated PTO must:

- i. Have a non-work related serious illness or injury, as verified in writing by a health care provider, which meets the definition of a serious health condition under the Family and Medical Leave Act (FMLA) and an estimated date of return to full duty from the health care provider; or
- ii. Have a spouse, domestic partner, or dependent who resides in the employee's household with a serious illness or injury, as verified in writing by a health care provider, which meets the definition of a serious health condition under the FMLA;
- iii. Have an insufficient amount of accrued and unused PTO or Compensatory Time "COMP Time" to cover the estimated period of absence;
- iv. Not be eligible for paid medical leave under [EPM 5.8 – Paid Medical Leave](#);
- v. Not have been offered non-work related modified duty under [EPM 7.4 – Return to Work \(from Illness/Injury\) Program](#);
- vi. Be in active pay status.

Employees absent from work and receiving donated PTO may not work, perform services, receive, or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the Human Resources Director.

- b. Upon approval of an employee's request for donated PTO, the Human Resources Department will:
 - i. Notify City employees of the requesting employee's need for donated PTO, while respecting the employee's right of privacy; and
 - ii. Approve payment of any such donated PTO to the requesting party up to the amount of donated leave, or the hours necessary to provide the employee with their regular, straight-time pay for such pay period, whichever is less.
- c. An employee may donate accrued and unused PTO to any City employee who has been approved to receive donated PTO so long as the donating employee retains a PTO balance of at least 40 hours after deduction of the hours offered for donation. Donations of PTO shall be in one hour increments.
- d. An employee receiving donated PTO will be paid at their regular rate regardless of the rate of pay of the employee donating such leave.
- e. Use of Donated PTO.
 - i. All PTO or other paid leave provided to or accrued by an employee while using donated PTO shall be used in the following pay period first before donated PTO is used.

- ii. PTO shall be deducted from donating employees in the order donated and shall be credited to the receiving employee's account on pay day up to the amount necessary for the employee to be paid their regular two weeks' pay. No PTO shall accumulate in the account of a receiving employee or be converted to cash or compensatory time. Any PTO donated by an employee that is not used shall remain in the account of the donating employee.
- f. An employee approved to receive donated PTO is eligible to receive such leave until the employee:
 - i. Returns to full duty; or
 - ii. Exhausts all donated leave; or
 - iii. Has received donated PTO for a total of 12 weeks in a rolling 12 month period.

B. PROCEDURE

1. **Use of PTO.** Employees are required to submit a request for leave as far in advance as possible to enable the department/division to accommodate the leave.
 - a. Employees requesting unplanned PTO must notify their supervisor or other designated contact person as far in advance as possible but no later than 30 minutes after the employee's scheduled starting time. Upon return to duty the employee must submit a [Leave Request Form](#) to the employee's supervisor.
 - b. Employees requesting planned PTO must submit a [Leave Request Form](#) to the employee's supervisor no later than the end of the shift immediately prior to the intended absence.
 - c. Upon receipt of a Leave Request Form, the supervisor must approve or deny the request. If the request was for absence is denied, the supervisor must return the Form indicating denial to the employee. If approved, the supervisor must forward the Form indicating approval to payroll no later than the end of business on the Monday following the end of a pay period to which the absence applied (see [EPM 4.2 - Paychecks & Withholdings](#)).
 - d. An employee who submits a for Leave Request Form at least two weeks prior to the requested time off, and who has such request denied, may submit a grievance to the next higher supervisory level in accordance with [EMP 9.8 - Grievance/Complaint](#).
2. **Cash Conversion - Financial Hardship/Operational Needs.** Employees who request a conversion of PTO to cash as permitted by this policy, must submit a [PTO Conversion Request Form](#), along with supporting documentation, to their

department director. The director will indicate approval or disapproval. The Request will then be forwarded to the Human Resource Director for approval or disapproval. Approval requires concurrence of both directors. If the directors are in disagreement regarding the approval, the request will be forwarded to the City Manager for consideration.

3. Donated PTO.

- a. An employee requesting the use of donated PTO must submit a [Request to Receive Donated PTO Form](#) to the Human Resources Department along with a written certification from a health care provider of the employee's serious health condition, on a [Health Care Certification Form](#), and an estimated date of the employee's return to full duty, must be attached to the request.
- b. Upon approval of a request for donated PTO, Human Resources shall complete a Notice to Donate PTO and forward copies to each City Department.
- c. An employee wishing to donate PTO to a fellow employee eligible for donation shall complete their portion of the Notice to Donate PTO, sign and date it (including the time of signature) and return it to Human Resources.
- d. Human resources shall confirm the employee/s wishing to donate PTO have sufficient balance to do so and then forward the Notice to Donate PTO to the Finance Department which shall allocate PTO pursuant to this policy.



EMPLOYEE POLICY MANUAL

5.2	Holidays
<u>Issued:</u> June 15, 2009 <u>Last Amended Date:</u> March 1, 2016	<u>Applicable Law/Statute:</u> SMC Sec. 3-50

A. POLICY

- Designated Holidays.** Holidays are designated by the City Council in accordance with Municipal Code Chapter 3, Article V, Section 3-50, Holidays. Designated Holiday's are:

- New Years' Day - January 1st
- Martin Luther King Day - 3rd Monday in January
- Presidents' Day - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4th
- Labor Day - 1st Monday in September
- Veterans' Day - November 11th
- Thanksgiving Day - 4th Thursday in November
- Day After Thanksgiving - 4th Friday in November
- Christmas Day - December 25th
- Floating Holiday - Scheduled workday off during fiscal year

5.2	Holiday	Last Amended: 3/1/16
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2. **Holidays Observed.** If a Designated Holiday falls on a Friday or Saturday, the holiday will be observed on the preceding business day. If a holiday falls on a Sunday, the holiday will be observed on the following Monday.
3. **Paid Holiday.** Holidays will be observed without loss of pay. Regular full time employees in active pay status on a day a holiday is observed will receive an amount equal to their regularly scheduled shift at their regular rate, not to exceed 12 hours. This amount will be known as a "Paid Holiday".
4. **Work on Holiday (Holiday Pay).** Hourly employees required to work on a Designated Holiday, regardless of when the holiday is observed, will be paid an additional one-half (1/2) the employee's regular hourly rate of pay for each hour actually worked on that holiday, up to 12 hours. Holiday Pay is in addition to the Paid Holiday Benefit.
5. **Holiday While on PTO.** Designated Holidays observed while an employee is on PTO will be counted as a holiday and not as PTO.
6. **Floating Holiday.** The Floating Holiday must be observed by the employee on a regularly scheduled shift during the fiscal year. No employee is permitted to work on a Floating Holiday without the written authorization of their Department Director. The Floating Holiday does not carry forward into the new fiscal year and will be forfeited if unused.

B. PROCEDURE

1. **Floating Holiday.** Employees requesting to observe the Floating Holiday must submit a [Request for Leave of Absence Form](#) in advance of the holiday.



EMPLOYEE POLICY MANUAL

5.3	Bereavement Leave
<p><u>Issued:</u></p> <p>December 12, 2009</p> <p><u>Last Amended Date:</u></p> <p>March 1, 2016</p>	<p><u>Applicable Law/Statute:</u></p> <p>SMC Sec. 3-51</p>

A. POLICY

1. **Generally.** Regular full-time employees are granted paid time off for bereavement leave for the scheduled workdays which occur in the six consecutive calendar days in which the leave is observed. Bereavement leave may be taken immediately following the death of an Immediate Family member. Bereavement leave may also be postponed to be taken for memorial services or other services commemorating the life of an immediate family member. Bereavement leave shall only be taken in consecutive days.
2. **Immediate Family.** “Immediate family” for bereavement leave purposes is defined as spouse, domestic partner, parent, person in loco parentis, child, sibling, grandparent, great grandparent, grandchild, great grandchild and all step/in-law of same.
3. **Additional Leave.** Use of PTO or compensatory time off, or a leave of absence without pay (if no paid time is available), may be requested for additional time away from work.

B. PROCEDURE

1. **Requests.** Employees qualifying for and requesting the use of bereavement leave must notify their supervisor and complete a [Leave Request Form](#) and submit the request as soon as possible. The use of such leave shall be noted on the employee’s time record for payroll purposes.
2. **Additional Leave.** Employees requesting PTO for additional bereavement leave must complete a [Leave Request Form](#) and submit the request to their supervisor as soon as possible. The use of such leave shall be noted on the employee’s time record for payroll purposes.



EMPLOYEE POLICY MANUAL

5.4	Military Leave
<u>Issued:</u> June 15, 2009 <u>Last Amended Date:</u> August 5, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-51

A. POLICY

1. **Eligible Employees.** Any employee absent from work because the employee is serving in any branch of military service (Army, Navy, Air Force, Marines, National Guard, Coast Guard, or reserves), including attending training for such.
2. **Basic Entitlement.** Employees will be granted military leave to participate in military service.
3. **Compensation While on Leave.**
 - a. Full Pay Benefit. Employees will receive paid leave for the first six weeks of Military Leave (240 hours or 336 for fire personnel) in any two consecutive years. For calculation purposes, the year will begin October 1st.
 - b. Differential Pay Benefit. Employees will receive differential pay while on Military Leave, after the initial six weeks of Military Leave, for a period of 18 months contingent on submitting appropriate documentation. Differential Pay is the difference between the employee's total monthly compensation for military service and the employee's normal monthly compensation (excluding overtime) for City service.
4. **Benefits While on Leave.** Employees are considered in active pay status for all purposes under this policy manual for the first six weeks of Military Leave. Thereafter, employees are considered to be on an Unpaid Leave of Absence and benefits will be suspended consistent with [EPM 5.6 – Unpaid Leaves of Absence](#). Health Insurance will continue as required by law even while in unpaid Leave status.
5. **Notice Requirements.** Employees must provide advanced notice of military service obligations and follow the procedure contained in section B. Written notice is preferred and can be given by submitting a [Military Service Notice](#). Verbal notice must be given to the employee's immediate supervisor who must submit a [Military Service Notice](#) form on behalf of the employee.
6. **Re-Instatement Rights.**
 - a. Eligibility. Individuals returning from Military Leave are eligible for reinstatement as long as such employee:

- i. Is discharged under honorable conditions;
 - ii. Gave notice, when foreseeable, of the leave (either written or verbal);
 - iii. Was on leave for no more than a cumulative length of absence of 5 years over the employee's term of City service; and
 - iv. Applied for re-employment within specified time frames as outlined below.
- b. Time Limits for Reinstatement. The time limit for reporting back for work is determined by the length of military service as follows:

Length of Military Service	Employee's Obligation to Report to Work
1-30 days	An employee must report for duty no later than the first full regularly scheduled work shift on the first full calendar day after service ended (plus time reasonably necessary for safe transportation back to his/her residence and eight (8) hours of rest); or as soon as possible after the eight (8) hour rest period if, through no fault of the employee, it would be impossible or unreasonable to report within that time.
31 – 180 days	An employee must physically report for work or submit a written request for reemployment no later than fourteen (14) calendar days after service ended, unless complying with this deadline is impossible or unreasonable, through no fault of the employee, then on the full calendar day following the day submitting the request becomes possible.
181 days or more	An employee must physically report for work or submit a written request for reemployment within ninety (90) calendar days after completing service. If the 90 th day falls on a day when City Hall is closed, the next business day.

***These deadlines are extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.

- c. An employee who fails to report to work or to apply for reemployment within the required time limits will be considered to have abandoned the position under [EPM 3.11 – Separating Service](#).
- d. Position of Reappointment. For absences of less than 91 days, the employee will be reemployed back into his/her original position. For absences of more than 90 days, the employee will be reemployed back into his/her original position or a position of like seniority, status and pay.

- 7. Compensation After Reappointment.** Upon reinstatement, an employee's compensation will be consistent with compensation the employee would have received but for the Military Leave, including all increases in pay granted to other similarly situated employees during the Military Leave.
- 8. Benefits After Reinstatement.** Employees who are re-instated are entitled to all rights and benefits they would have attained with reasonable certainty but for the Military Leave. The City will retroactively contribute to the state retirement system (if contributions were interrupted) on behalf of returning veterans the amounts that would have been contributed had the employee not left for military service.
- 9. Extension of Just Cause Discipline.** Employees returning from Military Leave, regardless of status as non-classified employees, cannot be terminated without cause for six months if the military service was more than 30 days but less than 181 days, or for one year if the military service lasted more than 180 days. In such cases, and in all cases involving classified employees, the principles of just cause discipline found in [EPM 10.1 – Corrective Action](#), will apply.
- 10. Service-Connected Disability.** If an employee while in military service sustains an injury/illness that results in a disability, the City will work with the employee to find a reasonable accommodation consistent with [EPM 3.1 – Anti-Discrimination/Accommodation](#). If a reasonable accommodation is unavailable, an employee with a service-connected disability, the employee will be employed in another position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or, if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.
- 11. Non-Discrimination.**
- a. A person who is a member of, applies to be member of, performs, has performed, applies to perform, or has an obligation to perform, service in a uniformed service branch shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, application for membership, performance of service, application for service, or obligation.
 - b. Employees who participate in the reporting, investigation, or filing of claims of violations of USERRA, regardless of whether they themselves performed uniformed service, may not be retaliated against.
 - c. An employee who believes they have been unlawfully discriminated or retaliated against per this policy should provide a written or verbal report to the Human Resources Director or City Attorney as soon as possible as provided in [EPM 3.1 - Anti-Discrimination/Accommodation](#).

B. PROCEDURE

- 1. Notice.** Employees receiving orders for military service must provide notice as far in advance as possible to the employee's immediate supervisor that the employee will be engaging in military service. Employees able to do so should submit a [Notice of Military Leave](#) form along with a copy of the orders or training notice (unless doing so is precluded by military necessity) to their immediate supervisor, which form must be forwarded by the supervisor to Human Resources. Employees placed on active duty under an emergency situation (with less than 24 hours notice from the service agency) must provide notice as soon as practicable after receiving orders for active service. If, for any reason, the employee does not submit a [Notice of Military Leave](#) form, but provides the supervisor verbal notice of such service, the Supervisor must submit the [Notice of Military Leave](#) form on the employee's behalf.
- 2. Verification.** Upon receiving a Notice of Military Leave form, Human Resources will confirm the validity of the information provided by the employee by contacting the appropriate military branch, and forward the Notice of Military Leave form to Finance.
- 3. Military Differential Pay.** Eligible employees may request to be paid military differential pay on a [Application for Reemployment from Military Leave](#). The employee must attach all Leave and Earning Statements (LES) for the time military differential pay is being requested. The application and LES(s) shall be submitted to Human Resources. Military differential pay will not be paid without all applicable LES's.
- 4. Application for Reemployment Schedule.** An employee who has engaged in military service must submit a [Application for Reemployment from Military Leave](#) to Human Resources, along with military discharge documentation (i.e. DD-214) that establishes the length and character of the employee's military service.



EMPLOYEE POLICY MANUAL

5.5	Civic Duty Leave
<u>Effective Date:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> ARS 8-420; ARS 13-4439; ARS 16-402; ARS 21-236, SMC Sec. 3-51

A. POLICY

1. **Jury/Witness Duty.** All full-time regular employees are entitled to **paid** leave during regular working hours when subpoenaed for a court appearance or jury duty by a court of law, unless the employee is a party to the civil case or a defendant in the criminal case. An employee released from jury duty or witness duty prior to the end of the employee's scheduled workday **must** report for the remaining hours of work.
2. **Voting Leave.** All employees who are entitled to vote in a primary or general election held within the state are granted **paid** leave to vote at the beginning or end of the work shift, if there is less than three consecutive hours between the opening of the polls and the beginning of the employee's shift or less than three consecutive hours between the end of the employee's shift and the closing of the polls. The amount of leave granted shall be **the time necessary for the employee to cast a vote, not to exceed three (3) hours.**
3. **Crime Victim Leave.** An employee who is the victim of a crime or juvenile offense will be granted **unpaid** leave to:
 - a. Be present at a proceeding pursuant to ARS §§ 8-420 or 13-4439; or
 - b. Obtain or attempt to obtain an order of protection, injunction, or other injunctive relief to help ensure the health, safety or welfare of the victim or victim's child.

B. PROCEDURE

1. **Leave Use.** Employees seeking leave under this policy must submit a **Leave Request Form**. If the leave is for Jury/Witness Duty, a copy of the official notice, summons, or subpoena **must** be included with the request. Employees on leave due to eligible jury or witness duty must turn over all sums paid to them by the court (other than mileage or subsistence allowances) to the Finance Department.



EMPLOYEE POLICY MANUAL

5.6	Unpaid Leaves of Absence
<u>Issued:</u> January 1, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> A.R.S. §38-744 SMC Sec. 3-51

A. POLICY

1. **Eligibility.** Any employee who has exhausted all Paid Time Off, may request an Unpaid Leave of Absence from employment for up to three months. Requests must be approved by the City Manager based on satisfaction of the requirements set forth in this EPM.
2. **Reasons for Leave.** Employees may request a leave of absence without pay for the following reasons:
 - a. To run for elective office; or
 - b. To pursue education, training or experience related to the employee's job and/or which will increase the employee's value to the organization; or
 - c. Medical reasons covered by the American's with Disability Act, Family Medical Leave Act, Worker's Compensation or similar federal or state law. A Leave of Absence without Pay may be granted in coordination with a Return to Work Agreement under [EPM 7.4 - Return to Work](#) Program and EPM 3.1 – Anti-Discrimination/Accommodation
3. **Extension of Leave.** Additional leaves of absence without pay beyond the original approved leave may be granted by the City Manager for the reasons described in section A (2), not to exceed a total of 6 months unless otherwise required by law.
4. **Return from Leave.** Upon returning from an approved leave of absence, the employee will be placed in the employee's original position, if available. Should the employee's original position be unavailable, the employee may be placed in an available similar position. See also [EPM – Anti-Discrimination/Accommodation](#). Should no similar position be available, the employee will be laid off, and be eligible for recall pursuant to [EPM 3.10 – Reductions in Force](#).
5. **Failure to Return/Properly Use Leave.** Failure to return to work after the scheduled end of an authorized leave of absence will be deemed to have

5.6	Leaves of Absence Without Pay	Last Amended: 8/12/13
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abandoned the position as provided in [EPM 3.11 - Separating From Service](#). Obtaining an approved leave of absence under false pretenses will revoke the approval and any absences considered unexcused and may result in separation from service pursuant to [EPM 3.11 - Separating From Service](#).

- 6. Effect on Benefits.** An unpaid leave of absence will be treated as a separation from service and all pay and benefits will be suspended during such unpaid leave, unless otherwise prohibited by law. For example PTO, holiday pay, personal leave, or other paid leave are not earned by or paid to employees while on an authorized unpaid leave of absence. City-paid insurance benefits will terminate at the end of the 90 days unless the employee has returned to work, unless otherwise required by law. In such case the employee may be eligible for continuation coverage as provided in [EPM 6.3 – Continuation of Health Insurance Coverage \(COBRA\)](#).

B. PROCEDURE

- 1. Requests.** Requests for an Unpaid Leave of Absence must be submitted to Human Resources Department for submission to and approval of the City Manager on a [Request for Leave of Absence Form](#), indicating the specific reason for the requested leave, with all supporting documentation attached.



EMPLOYEE POLICY MANUAL

5.7	Family & Medical Leave
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> 5 USC 6381-6387; 29 C.F.R. 825.206 SMC Sec. 3-51 29 USC 2619

A. POLICY

1. Eligible Employees. Employees who have been employed with the City for a total of at least 12 months and for at least 1,250 hours of service with the City during the previous 12-month period are eligible for Family Medical Leave (FML). For employees serving in the U.S. Armed Forces, the hours such an employee would have worked from the date of hire but for his or her military service, are credited toward the employee's required 1,250 hours worked for FML eligibility.

2. Basic Entitlement.

a. An eligible employee may take FML for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job.

b. An employee is entitled to a combined maximum of up to 12 weeks leave in a rolling 12-month period for one or a combination of reason(s) listed above.

c. Leave for birth, adoption or fostering a child is expected to be taken within 12 months of the event.

d. Married employees are entitled to up to 12 weeks of combined leave in a rolling 12-month period for birth, adoption, fostering of a child, or the care of the employee's parent with a serious health condition.

3. Military Entitlement. In addition to the basic entitlement, employees who are or who have a current member relative (son, daughter or parent on active duty with the U.S. Armed Forces, National Guard or Reserves) are entitled to additional benefits.

- a. Use of 12 weeks. The 12 weeks of FML may be used to address qualifying exigencies such as: attending military events and related activities, arranging childcare and school activities; making financial and

legal arrangements associated with military duty; attending counseling, and attending post-deployment reintegration briefings.

- b. **Additional Leave.** An additional 12 weeks (24 weeks total) of FML is available to care for a current member relative who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list.
- 4. Serious Health Condition, Defined.** "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
- a. any overnight stay in a medical care facility;
 - b. a period of incapacity requiring absence of more than three calendar days involving continuing treatment by a health care provider;
 - c. any period of incapacity due to pregnancy, or for prenatal care;
 - d. any period of incapacity or treatment due to a chronic health condition; or
 - e. any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated.
- 5. Unlawful Acts.** It is unlawful for any employer to interfere with, restrain or deny the exercise of any right provided under the Family Medical Leave Act (FMLA), or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA, or for involvement in any proceeding under or relating to the FMLA.
- 6. Use of Paid Leave.** Employees are required to use all available paid leave to the employee's credit (except compensatory time) in conjunction with FML, including paid holidays.
- 7. Leave Use/Increments.**
- a. The City will designate leave as FML as appropriate.
 - b. Use of FML will be counted in increments of 15 minutes.
 - c. FML may be taken on an intermittent or reduced schedule basis in certain circumstances which include medical necessity, child birth/adoption/foster care placement, or military qualifying events.
 - d. Medical or disability leave is presumed to be leave for a serious health condition, unless the employee proves otherwise, and will be counted as part of the FML entitlement, starting from the first day of leave.

8. **Benefit Accrual During Unpaid Leave.** Employees on FML who have exhausted paid leave options are eligible for unpaid leave ([See EPM 5.6 – Unpaid Leaves of Absence](#)). Except for health coverage, which continues while on FML, all other employee benefits will accrue consistent with [EPM 5.6 – Unpaid Leaves of Absence](#). Employees will not lose any employment benefit that accrued prior to the unpaid leave.
9. **Reinstatement.** Employees will return to work consistent with [EPM 7.4 - Return to Work Program](#) and [EPM 3.1 – Anti-Discrimination/Accommodation](#). An employee returning from FML may not be returned to work if the position was a critical position that could not be held while the employee was on FML and/or restoration would cause “substantial and grievous economic injury” to the City's operations or the position. In such cases, the employee will be provided an equivalent position with equivalent benefits. In such cases, the employee may be separated from service consistent with [EPM 3.11– Separating Service](#).
10. **Insurance Premium Recoupment.** If the employee fails to return from FML, the employee may, under certain circumstance, be required to reimburse the City for the total insurance premiums paid by the City for the period of FML during which the employee was on unpaid leave.
11. **Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for an employer's interference with an employee's rights under FMLA. For more information on your rights under the FMLA visit <http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>.

B. PROCEDURE

1. **Request for Leave.** An employee requiring FML must submit a [Leave Request Form](#) to the Human Resource Department no later than 30 days before the beginning of the leave, when the need for FML is foreseeable, or as soon as practicable after the need for leave becomes known to the employee. Employees must make reasonable efforts to schedule leave for planned medical treatment to avoid disrupting City business. Employees will be required to provide a certification and periodic recertification supporting the need for FML.
2. **Notice to Employee.** Within five business days, or as soon as is feasible after notice of the need for leave is provided by the employee, the Human Resources Department will provide the employee with detailed written notice of:
 - a. The City's expectations and policy;
 - b. The employee's rights and obligations (including the amount of insurance premium that must be paid, if applicable);
 - c. The consequences of an employee's non-compliance;
 - d. The fact that the leave will be counted against the employee's annual FML entitlement and how it is measured; and
 - e. The requirements regarding medical certification.

- 3. Certification of Serious Health Condition.** Employees who request FML in cases involving serious health conditions must provide the City with a [written certification](#) of the condition from a health care provider no later than 15 days after the request for leave is submitted. Upon receipt of the certification, the City may, at its expense, require the employee to obtain a second opinion from a health care provider selected by the City. If the second opinion differs from the first, the City may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by the City and the employee. This third opinion is final and binding. The City will provide the employee with a copy of the second and third opinions within five business days of receipt.

The City may deny FML if the employee refuses to release relevant medical information to the health care provider designated by the City to provide the second (or third) opinion. In addition, if the City requires additional information in order to determine if the absence is FMLA-qualifying, the employee must respond to the City's request for such information as soon as possible. Failure to respond may result in denial of FMLA.

- 4. Return to Work.** Employees returning from work must comply with [EPM 7.4 – Return to Work Program](#).



EMPLOYEE POLICY MANUAL

5.8	Paid Medical Leave
<u>Issued:</u> December 1, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u>

A. POLICY

1. **Generally.** Paid Medical Leave (PML) applies to any non-occupational sickness, accidental bodily injury, or pregnancy (a qualifying event) that prevents an employee from performing one or more of the material duties of the employee's position with the City. "Material duties" for this purpose are duties that: (1) are normally required for the performance of employee's position, and (2) cannot be reasonably omitted or modified. To be at work in excess of forty hours per week is **not** a material duty.
2. **Eligibility.** Full-time regular employees in active pay status are eligible for PML immediately upon employment. An employee is not eligible to receive PML benefits if the employee is: (1) eligible for any long term or permanent disability insurance plan; or (2) eligible for workers' compensation coverage.
3. **Benefit Defined.**
 - a. PML is an amount equal to 75% of the employee's normal bi-weekly earnings as of the date PML is granted, not to exceed the maximum benefit. "Normal bi-weekly earnings" for hourly employees is calculated by multiplying the employee's regular rate by the number of hours the employee regularly works during a pay period. If an employee does not have regular work hours the average number of hours worked per pay period during the prior 12 calendar months (or period of employment if shorter) is used. Bi-weekly earnings do not include: awards, bonuses, overtime pay, or contributions made by the City to any deferred compensation retirement plans or state retirement plans.
 - b. Employees otherwise qualified for PML but who are able to work a reduced work schedule, will receive PML in an amount equal to the difference between the gross wages actually earned and the 75% of the employee's normal bi-weekly earnings. Under no circumstance may an employee on PML receive more than 75% of the employee's normal bi-weekly earnings while on PML.

- c. The maximum payable PML benefit is \$4800.00 per pay period for a period not to exceed 24 total weeks per qualifying event. The period begins on the first day the employee is granted PML benefits, as determined by the TPA.
- 4. Date Benefits Begin.** PML benefits will begin on the 15th consecutive calendar day for which the employee has been unable to work in their regular employment due to a qualifying event as determined by the Third Party Administrator (TPA). Successive periods of PML separated by more than fifteen calendar days shall be considered a new qualifying event to which a new maximum benefit period will apply. PML interrupted by return to regular employment of less than 15 days will be considered continuous PML for purposes of the maximum benefit period. During the 14 days between the qualifying event and the beginning of PML benefits, the employee may utilize any other available leaves. See [EPM 5.1 PTO](#); [EPM 5.6 – Unpaid Leave of Absence](#); and [EPM 5.7 – Family & Medical Leave](#). Upon receipt of the TPA eligibility determination, the Human Resources Department will authorize payment of the PML benefit as applicable.
- 5. Determination of Benefits.** The TPA is retained at the City's expense to make determinations regarding whether or not an employee has sustained a qualifying event that prevents the employee from performing the material duties of the employee's regular employment (is qualified for PML benefits). The TPA is authorized to have an employee, as often as reasonably required: (1) examined by a physician, other health professional or vocational expert of choice, and/or (2) interviewed by an authorized representative of the TPA. If the TPA determines the employee not to be qualified for PML benefits, the employee must return to work or use alternative available leave. See [EPM 5.1 PTO](#); [EPM 5.6 – Unpaid Leave of Absence](#); and [EPM 5.7 – Family & Medical Leave](#).
- 6. Impact on Employment Status.** An employee on PML is in active pay status.
- 7. Termination of Benefits.** PML benefits will terminate on the date any of the following occur(s).
- The TPA determines the employee is no longer qualified;
 - The employee ceases to be under the regular care of a physician or, if the qualifying event was caused to any extent by alcoholism or drug abuse, stops effective treatment for such;
 - The employee refuses to be examined by, or cooperate with, an independent physician or a licensed or certified health care practitioner, as requested;
 - An independent medical exam report or functional capacity evaluation fails to confirm the employee is qualified;

- e. The date employee refuses to cooperate with or accept : (1) changes made to a work site or job process to suit the employee's identified medical limitations, or (2) adaptive equipment or devices designed to suit the employee's identified medical limitations and which would enable the employee to perform the employee's own occupation and provided that a physician agrees that such changes or adaptive equipment suits the employee's medical limitations;
 - f. The employee refuses to receive treatment recommended by the employee's attending physician that the TPA's has determined would cure, correct, or limit employee's qualifying medical condition;
 - g. The employee refuses to work or perform duties the TPA determines the employee's condition would permit the employee to perform in the employee's own occupation;
 - h. The employee becomes eligible for benefits under any disability benefit plan, excluding any supplemental disability income protection program offered through the City;
 - i. The Maximum Benefit Period is reached;
 - j. The Employee separates service ([See EPM 3.11 – Separating Service](#)).
- 8. Employee's Right of Appeal.** Within five days of receiving an adverse benefit determination, an employee may appeal the determination in writing to the TPA, and may submit new information (comments, documents, records, etc.) in support of Employee's appeal. In response to the appeal, the employee is entitled to a full and fair review of the request and a new decision and not simply a review of whether the initial decision was reasonable. A "full and fair review" takes into account all comments, documents, records and other information submitted by the employee relating to the request, whether or not such information was submitted or considered in the initial benefit determination. At such time as the employee appeals a denied request, the employee will be provided, upon request and free of charge, with access to and copies of all documents, records and other information relevant to employee's request for PML benefits, without regard to whether the TPA relied on the material.
- 9. Employee Status During Appeal.** If an employee has insufficient PTO/Donated PTO during the pendency of the appeal, the employee may be placed on a Leave of Absence without Pay for a period not to exceed 30 calendar days from the date of the appeal.
- 10. Return to Work.** An employee shall return to work upon the exhaustion of a Leave of Absence without Pay, determination of ineligibility, denial of appeal, or termination of PML benefits in accordance with the Surprise Employee Policy Manual.

B. PROCEDURE

1. **Requests for PML.** Paid Medical Leave [request forms](#) for benefits must be submitted directly to the TPA provider. Requests should be made as soon as practicable after the qualifying event or condition is discovered but no later than 31 days after the qualifying event/condition.
2. **Receipt of Request by TPA.** Upon submission of a request for PML benefit, the TPA will provide a written receipt of the request to the employee and a copy to the Human Resources Department.
3. **Benefit Determination.** The TPA shall keep the Human Resources Department fully advised of the status of an employee's pending request for eligibility determination. Within five business days after receiving complete proof of eligibility, the TPA must respond to the request in writing, with a copy to the Human Resources Department. An additional five business day period for determination may be allowed upon written notice to the employee with a copy to the Human Resources Department.
4. **Receipt of Benefit.** Upon receipt of the TPA eligibility determination, the Human Resources Department will authorize payment of the PML benefit as applicable.
5. **Proof of Continued Eligibility.** Proof of continued eligibility and regular attendance of a physician must be given by the employee to the TPA within 31 days of a written request from the TPA.
6. **Appeal.** Employee is allowed five business days to file an appeal following receipt of an adverse benefit determination. All appeals will be sent by the employee to the TPA. The TPA will respond with a written determination, with a copy to the Human Resources Department, no later than 31 days after receipt of an appeal.
7. **Termination of Benefit.** No later than three business days before the termination of PML benefits, the TPA shall notify the employee in writing, with a copy to the Human Resource Department, of the termination of benefits and the reason for such.
8. **Proof of initial or continued eligibility and regular attendance of a physician must be given to the TPA within 31 days of a written request from the TPA.**



EMPLOYEE POLICY MANUAL

6.1	Benefits Program
<u>Issued:</u> December 1, 2009 <u>Last Amended Date:</u> October 19, 2015	<u>Applicable Law/Statute:</u> ARS §§ 38-711 to 794; ARS §§ 38-841 to 860; ARS 38-951 to 954; IRC § 501(c)(9); 26 U.S. Code § 4980H SMC Sec. 3-61

A. POLICY

1. **Eligibility Generally.** Full-time regular employees as defined by the City are eligible to participate in the City's Employer and Employee Funded Benefit programs. "Employer-funded" for this purpose means the City pays for part or all of the cost of each benefit as described below. Persons acknowledged as domestic partners of employees may be eligible for dependent benefits.
2. In addition to the employees identified in subsection A.1. above, all employees defined as full-time under the Affordable Care Act (ACA) will also be offered participation in the City's Employer and Employee Funded Benefit programs.
3. **Memorandums of Understanding.** The City may have an MOU with one or more employee representative groups. Benefits of employees covered by an MOU are exclusively covered by such MOU and nothing in this EPM 6.1- Benefits Program shall alter the benefits to which a represented employee is entitled. This EPM does not, nor is it intended to, expand the benefits to which represented employees are eligible or entitled. To the extent the MOU conflicts with provisions of this EPM 6.1- Benefits Program, the MOU prevails consistent with the Surprise Municipal Code.
4. **Employer Funded Benefits.**
 - a. Health. The City is a self insured provider of health benefits, including medical, dental, vision, and prescription drug plans with PPO and HMO options. An employee may "opt out" of participation if the employee can demonstrate proof of other coverage. Employees opting out of medical coverage will receive \$100 per month. Employees must sign up to participate in dental and/or vision plans, or waive coverage. Payment of a premium by the employee is required for all health plans.
 - b. Group Term Life Insurance. The City uses an outside Life Insurance provider with basic group term life and accidental death and dismemberment (AD&D) plan options. Employees are automatically enrolled for coverage of the

6.1	Benefits Program	Last Amended: 10/19/2015
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employee, though employees may add dependants. Payment of premium by the employee is required for any dependants participating in the plan.

For Benefit Cost Breakdown please refer to the [Benefit Cost Sheet](#).

- c. Post Employment Health Plan (PEHP). Employees who voluntarily separate service will have the cash value of unused PTO put into a PEHP account for the employee unless the employee elects to receive all or a portion of the cash value of unused PTO at the time of separation. Employees who are involuntarily separated, (terminated, death, job abandonment) will receive the cash value of unused PTO.

5. Employee Funded Benefits.

- a. Voluntary Term Life insurance. The City uses an outside Life Insurance provider with basic term life and accidental death and dismemberment (AD&D) plan options for coverage in addition to that paid by the City. Employees who participate must pay a premium.
- b. Medical Expense/Dependent Care Flexible Spending Account. The City provides an IRS-approved section 125 flexible spending account for qualifying medical and dependent day care expenses. Contributions to these plans are separate (medical expense vs. dependent care) and non-transferrable from one account to the other, and may be made by the employee on a pre-tax basis up to the separate maximum amounts permitted by the plan. Participants must utilize automatic payroll deductions. The City does not contribute to the plan. Contributions in any plan year must be used by the employee or are forfeited.
- c. Supplemental Insurance Plans. The City uses multiple outside vendors to provide supplemental insurance options for employees including cancer indemnity and disability income protection plans. Premiums must be paid by participating employees.

- 6. **Retirement Programs (ASRS/PSPRS)**. The City of Surprise participates in the Arizona State retirement programs. The Arizona State Retirement System (ASRS) covers all eligible City employees who are not covered by another plan. The Public Safety Personnel Retirement System (PSPRS) covers eligible employees in public safety positions (police and fire). Generally, an employee must participate in one of the two programs. Eligibility, benefits, and contributions are determined by the State. More information can be obtained by visiting the program websites:

Arizona State Retirement System (ASRS)- <https://www.azasrs.gov/web/Home.do>

6.1	Benefits Program	Last Amended: 10/19/2015
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Public Safety Personnel Retirement System- <http://www.psprs.com>

7. Supplemental Retirement Programs. (Currently Suspended)

1. Automatic Employer Contribution. All full time regular civilian employees are eligible to be automatically enrolled in the supplemental retirement savings plan of their choice at initial employment. The eligible employee has the choice of participating in one or more 457(b) plans and/or a 401(a) plan offered by the City. The City will contribute the greater of 0.5% of the employee's gross wages or \$10 per completed pay period to the plan selected by the employee. The employee is not required to contribute in order to receive the City's contribution.
2. Matching Employer Contribution. All City employees are eligible to receive matching contributions into an established 457(b) and/or a 401(a) plan on behalf of the employee equal to up to 1% of the employee's gross wages. To receive the benefit, the employee must contribute a percentage of their gross wages, no less than 0.5%, to the selected plan/s up to the maximum contribution amount permitted by law. Please note: The decision by the employee to contribute to the 401(a) supplemental retirement savings plan is irrevocable (meaning contributions at the selected percentage must continue for the term of employment with the City).
8. **Enrollment.** Enrollment in benefit programs, with limited exceptions, must occur within 31 days of initial employment or qualifying event, except for those employees identified in subsection A.2. above. Some programs allow changes in enrollment during the annual open enrollment period. For more details, visit the detailed plan description on the web at:

<http://www.surpriseaz.com/index.asp?NID=1222>.
9. **Discount Programs.** Employees have access to a number of additional services and products made available at a discount. Discounts are available for things such as [pet insurance](#), [identity theft protection](#), [credit union enrollment](#), and buyer discounts through the [Employee Network](#). Any premiums or program fees must be paid by participating employees.
10. **Scholarship Program.** The college age children of City employees are eligible for a one time scholarship, amount determined annually, payable to any school of the recipient's choice. Children as used in this program include biological, step, and adoptive children of the City employee.
11. **Discount Sports Recreation Program.** Employees are eligible to receive discounted rates for participation in select recreation programs through the City's Community Recreation Services Department.

6.1	Benefits Program	Last Amended: 10/19/2015
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B. PROCEDURE

1. Enrollment.

- a. Eligible employees may enroll in any of the City's benefit programs by completing the applicable enrollment or application form and submitting them to the Human Resources Department. Applications and enrollment forms are available in Human Resources or on the web [here](#). HR will contact any ACA benefit eligible employees with the appropriate forms.
- b. An employee who is the spouse, domestic partner, or otherwise is a dependant of another employee may be enrolled in only one medical plan (HMO or PPO). The employee with the most City service must be the primary enrollee.
- c. Employees identified in subsection A.2. above will be solely responsible for ensuring that monthly premium payments are paid in full to the Human Resources Department no later than the last city hall business day of the month. If a premium payment is not received by that date, the coverage will terminate, without further notice, effective to the last day of the previous month.

2. **Medical Coverage Waiver.** Employees electing to waive medical coverage must complete and submit a [Right of Refusal of Medical Insurance Form](#). Employees waiving health coverage must also provide Human Resources with proof of alternative coverage.
3. **Initial Notice.** Employees shall sign the receipt of [HIPAA Privacy Notice](#) during New Employee Orientation (NEO).
4. **Domestic Partner Affidavit.** An employee wishing to declare a domestic partnership for purposes of receiving City domestic partner benefits must, along with the domestic partner, complete a [City of Surprise Domestic Partnership Affidavit](#) and submit same along with all required supporting documentation to Human Resources. In the event of the termination of the domestic partnership, the employee and domestic partner shall complete and submit a [Notice of Termination of Domestic Partnership](#).
5. **Post Employment Health Plan.** Employees who voluntarily separate may elect to receive the cash value of unused PTO by submitting a Leave Balance Designation Form to the Human Resource Department at least one working day prior to separation.

6.1	Benefits Program	Last Amended: 10/19/2015
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6. **Discount Programs.** Discounts are available through the following links: [pet insurance](#), [identity theft protection](#), [credit union enrollment](#), and the [Employee Network](#).
7. **Scholarship Program.** Eligible children who are 25 years of age or younger with a cumulative GPA of 2.5 or better wishing to apply for the employee Scholarship Program must submit a written application along with a sealed transcript and a 500 word double spaced essay describing the student's career goals to the Human Resource Department by the annual deadline (usually in June). Details and a copy of the application will be available soon.
8. **Discount Sports Recreation Program.** Employees wishing to receive discounted rates for City Sports Recreation Programs must submit enroll [online](#).



EMPLOYEE POLICY MANUAL

6.2	Injured Worker Benefits – Moved
<i>Issued:</i> January 15, 2009 <i>Last Amended:</i> August 12, 2013	<i>Applicable Law/Statute:</i> A.R.S. 23-901 thru 1091 A.R.S. 38-961

A. POLICY

1. **Worker's Compensation.** Employees and designated volunteers who suffer a compensable work illness or injury that causes a temporary total disability are eligible to receive Worker's Compensation Benefits. Employees will receive an amount equal to 66.67% of their average monthly pay, up to a maximum as established by state law, plus \$25.00 per month for one or more dependents. Designated volunteers will receive benefits as set forth in state law.

2. **Wage Continuation.** Full time regular employees who suffer a workplace illness or injury that causes temporary total disability of the employee will receive a Wage Continuation Benefit in addition to the Worker's Compensation Benefit for the first 26 weeks of temporary total disability. The Wage Continuation Benefit will be the difference between the Worker's Compensation Benefit and the employee's regular gross pay. (When combined the two benefits will be an amount equal to 100% of the employee's regular gross wages). Claims for Wage Continuation will be determined by the City's third party administrator. Upon approved claim, payments will be retroactive to the first work day after the date of injury and terminate after 26 weeks.

3. **Medical Treatment.** Time spent by an employee receiving medical treatment during normal working hours for a workplace injury/illness, unless receiving Worker's Compensation/Wage Continuation benefits, will be treated as working time, not requiring the use of Paid Time Off.

4. **PSPRS Contributions.** The City will pay the employee portion of PSPRS contributions for PSPRS members who receive wage continuation under this program for a period not to exceed 26 weeks.

5. **Family and Medical Leave.** Injured Worker Benefits will run simultaneously with the employee's Family and Medical Leave benefits consistent with [EMP 5.7-Family and Medical Leave](#).

6. **Impact on other Benefits.** Employees receiving Injured Worker Benefits will continue to be in active pay status and will continue to accrue PTO as set forth in [EPM 5.1- Paid Time Off](#) and be eligible for other benefits as set forth in [EPM 6.1- Benefits](#).
7. **End of Benefit.** Injured Worker benefits will cease upon any of the following events:
 - a. The employee returns to work;
 - b. The employee's physician releases the employee to return to work;
 - c. The employee fails to return to work on a return to work (RTW) assignment consistent with the employee's medical restrictions. ([See EPM 7.4- Return to Work Program](#)).
 - d. The employee separates service.

B. PROCEDURE

1. **Reporting Injury or Illness.** Employees who suffer a work related injury or illness must timely report the injury or illness as set forth in [EPM 7.3- Workplace Injury Reporting](#).
2. **Wage Continuation.** Eligible employees may request Wage Continuation benefits by completing a [Wage Continuation Agreement](#) and [Wage Continuation Notification and Election](#) and submitting the request to Human Resources.



EMPLOYEE POLICY MANUAL

6.3	Continuation of Health Insurance Coverage (COBRA)
<i>Issued</i> January 16, 2009 <i>Last Amended Date:</i> August 12, 2013	<i>Applicable Law/Statute:</i> 26 CFR 54 SMC Sec. 3-61

A. POLICY

1. **Generally.** In compliance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), employees and/or insured dependents may be eligible for continuation of health coverage, at their own expense, and under some circumstances extension of access to their Flexible Spending Account (FSA) after the employee's separation from service. Continuation of health insurance coverage under this policy shall be the same as is provided to other employees who maintain employment with the City.
2. **Coverage.** Individuals for whom health coverage is continued and/or access to their FSA extended under this policy shall be according to the following schedule:
 - a. An employee who is terminated shall be eligible for health insurance coverage at the employee's expense for up to 18 months following the termination. Any FSA with a positive balance at the time of separation will continue to be available to the employee until the funds have been depleted through eligible expenses or the fiscal year ends. Terminated employees must notify Human Resources when they become eligible for Medicare or another group health plan.
 - b. An employee whose total hours worked are reduced, which reduction causes the employee to be ineligible for continued health insurance coverage, shall be eligible for health insurance coverage at the employee's expense for up to 18 months following such reduction.
 - c. If a second qualifying event occurs during this 18 month period, coverage may be extended for an additional 18 months.
 - d. If any beneficiary becomes disabled under the Social Security Act and provides timely notice of that status to the City, coverage may be extended for up to 29 months.

6.3	Continuation of Health Insurance Coverage (COBRA)	Last Amended: 8/12/13
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- e. The spouse and dependent children of an employee shall be eligible for health insurance coverage at the employee's expense for up to 36 months when the employee:
 - i. Dies;
 - ii. Would otherwise lose coverage due to termination and/or reduction as described in the above paragraphs; or
 - iii. Becomes eligible for Medicare coverage.
- f. The spouse and/or dependent children of an employee shall be eligible for health insurance coverage at the employee's expense for up to 36 months when:
 - i. The spouse and dependent children would lose eligibility for continued coverage due to a divorce or legal separation; or
 - ii. The dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.

3. Termination. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but including layoff, resignation, voluntary/involuntary leave without pay, discharge, and any other termination which results in the employee's ineligibility for continued health insurance benefits.

4. Term of Eligibility. A covered employee, spouse or dependent child who elects continued health insurance coverage shall only be eligible until the earliest date that any of the following occur:

- a. Coverage expires either 18, 29, or 36 months after the triggering event;
- b. The group health care plan is terminated by the City;
- c. The individual fails to pay the required premium within a 30 day grace period;
- d. The employee becomes eligible under another group health care plan as an employee or otherwise, which does not contain any exclusion or limitation with respect to any pre-existing condition; or
- e. The individual becomes eligible for Medicare benefits.

B. PROCEDURE

1. Initial Notice. Full-time employees, spouses and dependent children shall be notified of the provisions of this policy as follows:

6.3	Continuation of Health Insurance Coverage (COBRA)	Last Amended: 8/12/13
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- a. Employees shall be notified of this policy at the time they begin coverage under the City's health insurance plan or in the event they are either terminated or reduced.
 - b. Spouses shall be notified of this policy at the time family or spouse coverage begins under the City's health insurance plan or in the event the employee is either terminated or reduced.
 - c. Service of notification on the employee's spouse shall be deemed notice to dependent children.
- 2. Notifications to City.** Each employee shall be responsible for notifying Human Resources of any action which might trigger a spouse's or dependent child's eligibility for continuation of insurance coverage under this policy. Such notice shall be given by the employee to Human Resources immediately upon gaining knowledge of the event and shall include divorce, legal separation, or loss of dependent eligibility under the City's health plan.
 - 3. Eligibility Notification.** Human Resources shall notify the individual(s) who are eligible for continued health insurance plan coverage of their rights and obligations under this policy, by certified mail, return receipt requested, within 14 days after the occurrence of a triggering event. The notice shall contain a final date by which the employee, spouse, or dependent child must respond to the notice.
 - 4. Decision.** The eligible employee/individual shall notify Human Resources of their decision to continue or not continue coverage within 60 days of the triggering event.
 - 5. Payment.** Covered individuals who elect continuation of coverage must pay 102% of the applicable monthly premium within 45 days of the election to continue coverage. Payments are due no later than the first day of the month for which coverage will apply. Payments should be sent to the City of Surprise, ATTN: Human Resources, 16000 N. Civic Center Plaza, Surprise, Arizona 85374.



EMPLOYEE POLICY MANUAL

6.4	Retiree Health Plan
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> SMC Sec. 3-61</p>

A. POLICY

1. **Generally.** Employees retiring from City service who meet certain eligibility requirements may elect to participate in the City of Surprise Retiree Health Care Plan at the employee's sole cost.
2. **Memorandums of Understanding.** The City may have an MOU with one or more employee representative groups. Benefits of employees covered by an MOU are exclusively covered by such MOU and nothing in this EPM 6.4 – Retiree Health Plan shall alter the benefits to which a covered employee is entitled. This EPM does not, nor is it intended to, expand the benefits to which represented employees are eligible or entitled. To the extent the MOU conflicts with provisions of this EPM 6.4-Retiree Health Plan, the MOU prevails consistent with the Surprise Municipal Code.
3. **Eligibility Requirements.** All City of Surprise employees who meet the following criteria. The employee:
 - a. Will be retiring under a non long-term disability retirement option through either ASRS or PSPRS; and
 - b. Has worked for the City of Surprise for not less than five years immediately preceding retirement; and
 - c. Is less than 65 years of age; and
 - d. Is not eligible for Medicare; and
 - e. Is enrolled in the City's employee health care insurance plan
4. **Enrollment.** Eligible employees must elect coverage:

- a. On or before the employee's last day of service, with such coverage to begin immediately following the end of health care coverage as an active employee; or
 - b. Prior to the termination of continued health care coverage with the City of Surprise under COBRA (See [Policy 6.3 - Continuation of Health Care Coverage \(COBRA\)](#)).
5. **Cost.** The premium costs for the retiree health care plan are developed in an “unbundled pool” so that the experience of retirees is not considered in establishing employee premium rates. Retirees are responsible to pay 100% of the premium.
6. **Coverage.** Employees, and eligible dependants, participating in the retiree health care plan may make changes to their coverage in the plan during any subsequent open enrollment period and within 31 days of a qualifying event. Once the employee or a dependent elects to end coverage under the plan, the employee or dependent may not re-enroll in the plan.
7. **Termination of Coverage.** Coverage in the retiree health care plan ends for the retiree and all covered dependents:
- a. At the end of the billing month in which the retiree reaches eligibility for Medicare; or
 - b. At the end of the billing month in which the retiree elects to end participation in the plan.

B. PROCEDURE

1. **Enrollment.** Eligible retiring employees may enroll in the retiree health care plan during the exit interview process or prior to termination of COBRA coverage by completing a [Retiree Health Care Plan Election Form](#) and returning same to the Human Resources Department. COBRA participants must submit the Form within 31 days of notice of such option to elect coverage.
2. **Premium Payment.** Retirees participating in the retiree health care plan shall make premium payments to the City of Surprise Finance Department no later than the 1st of each month in advance of the month to which coverage will apply. If any premium payment is not received within 30 days of such date, the retiree's coverage under the plan shall end.



EMPLOYEE POLICY MANUAL

Policy 6.5	Reimbursements, Allowances & Stipends
<u>Effective Date:</u> 6/15/09	<u>Applicable Law/Statute:</u> SMC Sec. 3-60
<u>Last Amended Date:</u> 7/01/11	

A. POLICY

1. **Generally.** Full-time regular employees may be eligible to receive reimbursement from the City for certain job-related expenses incurred by the employee. Reimbursement for expenses related to travel on City business is discussed in [Policy 8.1 – Travel](#).
2. **Education Reimbursement.** The City of Surprise provides education reimbursement for approved work-related educational activities. The purpose of the program is to provide opportunities for employees to improve their working knowledge and skills through personal career development related to the employee's career with the City. In order to be eligible for reimbursement, the following criteria apply:
 - a. The applicant must be a regular full-time employee who has been employed as a regular full-time employee for at least one year and be such when the Application for Reimbursement is submitted and approved by the employee's department director and the Human Resources Director.
 - b. Eligible employees may be reimbursed up to **\$4,000** in eligible education expenses in any calendar year pending sufficient availability of department funds.
 - c. All courses must be taken during non-work hours. PTO may be used to attend classes which occur during normal scheduled hours.
 - d. Courses required for the employee to obtain a post-secondary degree (Associate's, Bachelor's, Master's, or Doctorate), which degree/course of study has been approved in advance by the department director and Human Resources Director, are eligible for reimbursement. To be eligible for reimbursement the employee must complete the required application and receive approval from the department director and Human Resources Director for the course of study and specific course(s) in advance.

- e. The City shall not reimburse employees for any course for which the employee receives a scholarship, grant or subsidy, to the extent of such aid.
- f. All courses must be taken at an accredited college or university.
- g. The \$4,000 limit per calendar year is determined based on the completion date of the course(s), regardless of when the approval was granted or the request for reimbursement is presented.
- h. Reimbursement shall be made only for courses for which the employee receives a grade of "C -" or equivalent, or better.
- i. An employee may only be reimbursed once for the same or similar class.
- j. Employees who receive reimbursement in a calendar year over certain limits as set by the IRS may be taxed for the amount of reimbursement over the limit.
- k. Reimbursement may be made only for the costs of tuition, books, registration and course fees. No reimbursement will be made for computers, supplies, transportation, meals, parking or any other expense connected with any course.

3. Vehicle Allowance/Mileage Reimbursement. Employees who are required to drive a personal vehicle within the scope of employment may receive either a vehicle allowance or mileage reimbursement consistent with [Policy 8.3 – Fleet Policy](#). Whenever practicable, employees must use City fleet vehicles for all City business.

4. Cell Phone Stipend.

- a. Eligibility. Persons in the following employment positions are eligible to receive either a City-issued cell phone or receive a monthly stipend for the business use of a personal cell phone.
 - i. Department directors and above;
 - ii. Employees who spend more than 80% of their work time away from their designated desk or work station;
 - iii. Public safety employees as authorized by the Chief of the Department;
 - iv. All other employees as deemed necessary by the **City Manager**.
- b. City-Issued Cell Phones.
 - i. City-issued cell phones are to be used for business purposes only. When a city-issued cell phone must be used to make or receive a personal call, the employee shall reimburse the City.

- ii. Employees shall be responsible for replacing a lost or destroyed city-issued cell phone.
- c. Monthly Stipends.
 - i. Employees electing to use their personal cell phones for business use shall receive either a low, moderate, or high monthly stipend for such use, the amount based on the usage and service levels appropriate for the employee's position as approved by the City Manager.
 - ii. Employees receiving a monthly stipend shall be solely responsible for acquiring their own cell phone and cell service, and paying the bill therefore.
 - iii. Text messaging services are required on all cell phones utilized by employees in the classifications of department director, Deputy City Manager, Assistant City Manager, and City Manager.
- 5. **Certification/License Fee Reimbursements.** Certain employment positions with the City (i.e., City Engineer, City Attorney, etc.) require the position incumbent to possess and maintain a professional license or certification. The City Manager may agree, on behalf of the City, to pay for or on behalf of the employee the cost associated with maintaining such certification or license.
- 6. **Uniform-Related Reimbursements.** Employees in specified employment positions may be entitled to reimbursement for the estimated cost to the employee of the uniforms and related equipment required to be worn while on duty. The amounts of the reimbursement and the method of payment, whether bi-weekly, semi-annually, or otherwise, shall be determined by the department director. All reimbursements shall be paid "in arrears" meaning that a bi-weekly payment shall be for the previous two weeks, and a semi-annual payment shall be for the previous six months. An employee receiving a uniform reimbursement who separates from service will receive a pro-rated amount of the reimbursement as provided in [Policy 3.11 – Separation From Service](#).
- 7. **Other Reimbursements.** The City Manager may authorize the reimbursement of specified expenses incurred by persons hired into Executive-Level positions. Such authorization must be in writing and detail the type and amount of the expense and any maximum reimbursement or condition of receipt of same (See [Policy 2.5 – The Job Offer Process](#)). Qualifying expenses include but are not limited to, temporary housing expenses, moving expenses, and travel expenses.
- 8. **Uncovered Expenses.** The City assumes no responsibility for certain losses or expenses incurred by employees, including but not limited to the following:
 - a. Personal Property: Loss, damage, or theft of the employee's personal belongings (e.g. money, valuables, jewelry, etc.)
 - b. Fines: Traffic tickets, parking tickets, or other fines incurred while on duty.

B. PROCEDURE

1. **Education Reimbursement.** Employees desiring to utilize the City's Education Reimbursement Program to obtain a post-secondary degree must complete a three-step process.
 - a. Step 1
Submit a completed [Education Plan](#) to their department director and receive approval from the department director and Human Resources Director for the course of study.
 - b. Step 2
Submit a completed [Application for Education Advance/Reimbursement](#) to their department director and receive approval from the department director and City Manager prior to beginning the course for which reimbursement is being sought.
 - c. Step 3
Upon completion of an eligible and approved course submit to the Human Resources Department a copy of the course grade report and a receipt issued by the college or university setting forth the cost of tuition, books, and course fees along with a copy of the previously-approved [Application for Education Advance/Reimbursement](#).
2. **Vehicle Allowance.** Employees-eligible to receive a vehicle allowance from the City shall submit a copy of the following documents to the Human Resources Department prior to June 20 of each year:
 - a. A current and valid Arizona drivers' license;
 - b. An Arizona vehicle registration for a vehicle in the employee's name or leased to the employee; and
 - c. Proof of Arizona vehicle liability insurance.
 - d. Vehicle Allowance Request Form as approved by the City Manager.
3. **Cell Phone Reimbursement.**
 - a. Employees shall review monthly statements for their city-issued cell phone and shall review, sign, and return the statement and reimburse the City for the cost of all personal calls over the actual monthly cost to the City for the phone within 30 days of receipt of the statement. Personal use is computed based on the number of minutes multiplied by the average cellular telephone rate as determined by the IT Department.

Policy 6.5	Reimbursements, Allowances & Stipends	Last Amended 7/1/11
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- b. Eligible employees electing to receive a monthly stipend for business use of a personal cell phone use shall complete a [Stipend For Personal Cellular Telephone Use](#), obtain the department director's or City Manager's signature, and submit same to the I.T. Department along with proof of a valid new or existing cell phone service contract.
4. **Certification/License Fees.** Employees seeking to obtain reimbursement for eligible certification and/or license fees hereunder shall submit a completed [Certification/License Fee Reimbursement Form](#) to their department director and receive approval from the department director and City Manager and submit same to the Finance Department for reimbursement.
5. **Uniform Allowance.** Each department with employees eligible to receive a uniform allowance shall, at initial employment and thereafter, prior to January 1 and July 1, provide the Finance Department with a list of those employees eligible to receive all or part of the allowance.
6. **Other Reimbursements.** Executive-level employees seeking to obtain reimbursement for eligible expenses shall submit a copy of the hiring letter or other document containing the terms of the reimbursement as authorized by the City Manager or designee, along with all receipts and/or other proof of expenditure, to the Finance Department for reimbursement.



EMPLOYEE POLICY MANUAL

Policy 6.6	Trip Reduction Program
<p><i>Issued</i> 1/15/09</p> <p><i>Last Amended Date:</i></p>	<p><i>Applicable Law/Statute:</i> A.R.S. 49-581 et seq. SMC Sec. 3-3</p>

A. POLICY

1. **Generally.** Pursuant to the Arizona legislature's 1988 Air Quality Bill, the Maricopa County Division of Trip Reduction administers a Trip Reduction Program for employers with 50 or more employees and schools with 100 or more students. The purpose of the program is to encourage the use of alternatives to single occupant vehicle (SOV) travel for employees to and from work. The alternatives include car pooling, van pooling, walking, bicycling and the use of public transportation.
2. **Guaranteed Ride Home.** Carpool and vanpool users are provided a guaranteed ride home in a personal or family emergency by the City.
3. **Information.** Trip Reduction Program information is found on all City bulletin boards, at 602-262-RIDE (7433), or at <http://www.sharetheride.com>.

B. PROCEDURE

1. **Carpooling.** City employees interested in finding a carpool partner should call 602-262-RIDE (7433), or log on at <http://www.sharetheride.com>.
2. **Vans.** Valley Metro provides low cost vans for persons who wish to vanpool. A new van pool requires at least seven members to qualify. City employees interested in vanpooling should call Valley Metro at 602-534-1808 or e-mail Gary Roberts, Valley Metro Transportation Coordinator at groberts@valleymetro.org.
3. **Guaranteed Ride Home.** Carpool and vanpool users needing a ride home in a personal or family emergency should contact their supervisor and/or Human Resources immediately.



EMPLOYEE POLICY MANUAL

7.1	Safety
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> March 1, 2016	<u>Applicable Law/Statute:</u> 29 CFR 1910, 1926 & 1928 SMC Sec. 3-3 CM 3-8, 3-9

A. POLICY

1. **Generally.** The City is committed to providing a safe working environment for every employee. All employees are responsible for maintaining a safe workplace. All employees must comply with City of Surprise [Accident Prevention Program](#) as well as all applicable rules, laws, regulations, and practices related to safety.
2. **Safety Culture.** Compliance with City safety policies is a foundational expectation; commitment to a safety culture is our goal. Each employee should understand and embrace the six traits of a positive safety culture:
 1. **Leadership Values and Actions-** Leaders demonstrate a commitment to safety in their decisions and behaviors.
 2. **Problem Identification Resolution-** Issues potentially impacting safety should be identified, evaluated, addressed, and corrected.
 3. **Personal Accountability-** All individuals take personal responsibility for safety.
 4. **Work Processes-** Plan work and activities with safety in mind.
 5. **Environment for Raising Concerns-** Employees should be encouraged to raise safety concerns to improve processes and procedures.
 6. **Effective Communications-** Communications maintain focus on safety.
3. **Department Guidelines.** Each department must establish detailed department specific safety guidelines and/or Standard Operating Procedures, approved by Risk Management which must be updated annually. The department guidelines must meet or exceed state and federal standards for occupational health and safety, training, equipment, compliance, inspections delegation of supervisory responsibility and safety.
4. **Supervisor Responsibility.** Supervisory personnel are responsible for overseeing safety in all areas under their control and will be given all reasonable

resources to fulfill this responsibility. It is imperative that supervisors correct all unsafe conditions. Supervisors must ensure that each employee complies with all safety rules, regulations, department guidelines, and that safe working methods are used. Additionally, supervisors are responsible for championing a strong safety culture.

5. **Employee Responsibility.** Employees are responsible for abiding by applicable safety guidelines and for maintaining a safe workplace. Precaution must be taken to prevent personal injury and accidents. Employees must obey and assist in the enforcement of all workplace safety rules and must immediately report all potential or evident workplace safety concerns to their immediate supervisor. Employees must properly use all prescribed safety equipment and personal protective equipment.
6. **Accidents & Violations.** Every work-related accident and injury must be reported consistent with EPM 7.3 – Workplace Injury Reporting and accidents will be investigated consistent with [EPM 10.2- Administrative Investigations](#). Violations of established safety guidelines will be handled consistent with [EPM 10.1 Corrective Action](#).
7. **Accident Prevention Committee.** A Citywide Accident Prevention Committee will be utilized to bring employees and management together in a cooperative effort to promote a strong safety culture in the workplace. The Committee will be comprised of equally representative employees from all areas of the City. The Accident Prevention Committee will meet, discuss, and assist management regarding safety related matters. The Committee's meeting schedule, list of members, and meeting minutes may be viewed online at [Inside Surprise/Safety](#).

B. PROCEDURE

1. **Accident Prevention Committee Safety Suggestion.** Employees wishing to make a safety-related suggestion may complete a [Safety Suggestion Form](#) and provide it to the Accident Prevention Committee for review.
2. **Reporting Violations.** Safety Concerns and violations should be reported through chain of command or through a Grievance pursuant to [9.8 – Grievance/Complaint](#). Requests for assistance that cannot be addressed through chain of command can be made directly to the Risk Manager at 222-3531 or 222-3541.



EMPLOYEE POLICY MANUAL

7.2	Employee Wellness Program
<p data-bbox="305 359 396 386"><u>Issued:</u></p> <p data-bbox="256 405 444 432">January 1, 2009</p> <p data-bbox="228 451 472 478"><u>Last Amended Date:</u></p> <p data-bbox="261 497 444 525">August 12, 2013</p>	<p data-bbox="532 359 812 386"><u>Applicable Law/Statute:</u></p> <p data-bbox="532 390 711 417">SMC Sec. 3-16</p>

A. POLICY

- 1. Generally.** The City of Surprise Employee Wellness Program involves health related employee initiatives, education, periodic events and other wellness centered activities designed to improve overall health of the employees and decrease health costs. Most program offerings will be provided at little or no cost to employees.
- 2. Health and Wellness Program.** The Human Resources Department, in conjunction with the Employee Health and Wellness Committee, will administer the program. The Committee is comprised of employees representing a cross section of the employee population. More information on the program can be found at <http://insidesurprise/wellness>.



EMPLOYEE POLICY MANUAL

7.3	Workplace Injury Reporting
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> September 7, 2016	<u>Applicable Law/Statute:</u> A.R.S. 23-901-1091 SMC Sec. 3-3

A. POLICY

1. Generally. The City is committed to providing a safe workplace that fosters and supports a strong safety culture. Reporting workplace injuries/illnesses/exposures is not only a regulatory requirement; but, is essential to an efficient and successful safety program. When an accepted workplace injury/illness/exposure occurs, it is the City's responsibility to:

- a. Ensure the employee receives appropriate medical treatment and timely compensation when applicable, and
- b. Assist the employee in returning to work as soon as they are physically capable of performing the work of their position or a temporary transitional assignment.

This policy and procedure outlines the City's methods to meet these responsibilities.

2. Reporting. This policy is also intended to ensure that injuries and occupational diseases that arise out of and during the course of an employee's employment with the City are reported for worker's compensation purposes and/or recorded for OSHA reporting purposes.

- a. The following claims are recorded for OSHA reporting purposes:
 - i. Any injury that results in loss of consciousness, significant injury diagnosed by a health care professional, or death;
 - ii. Any injury where an employee is off work other than the remainder of the day the injury occurred;
 - iii. Any injury where the employee returns to work on less than full duty; and
 - iv. Any injury for which medical treatment beyond first aid is required.
- b. The following claims are reportable for workers' compensation purposes:

- i. Any injury where an employee is off work other than the remainder of the day the injury occurred;
- ii. Any injury where the employee returns to work on less than full duty other than on the date of injury; and
- iii. Any injury for which medical care will result in fees being billed by a health care provider.

3. Accommodation of Disabled Employee. Claims by an employee that an on the job injury is a disability for which an accommodation has been requested should proceed under [EPM 3.1- Anti-Discrimination/Accommodation](#).

B. PROCEDURE:

1. Employee's Responsibilities. An employee who suffers a work-related injury/illness/exposure must:

- a. Immediately report the injury/illness/exposure to their immediate supervisor, regardless of the apparent seriousness of the injury, regardless of whether or not medical attention is believed to be required.
- b. A third-party administrator provides for initial triage screening for workplace injuries and records appropriate incident information. Contact information and instruction are available through the [Risk Management intranet page](#).
- c. Staff of the third-party administrator will medically evaluate the employee symptoms and recommend appropriate action, which may include clinical care.
- d. Immediately after receiving medical care, contact their immediate supervisor and provide the supervisor with all documentation from the treating physician, which must include a diagnosis of the injury and a list of physical restrictions;
- e. Communicate and cooperate with Risk Management and designated contract professionals during the workers' compensation claim process; and
- f. Return to work as soon as determined capable of performing the work of the employee's regular employment position or a temporary transitional assignment.

2. Supervisor's Responsibilities. Upon notification of an employee's work-related injury/illness/exposure, the employee's immediate supervisor, if available, or the next available supervisor must:

- a. Evaluate if injuries appear to be serious/life-threatening and contact emergency services, 911, if warranted.

- b. If injury/illness does not appear to warrant emergency medical response, coordinate communication between injured employee and worker's compensation nurse triage provider.
 1. This communication may be initiated by calling City of Surprise designated [third-party triage service](#).
- b. Contact Risk Management at 222-3531 or 222-3541 and report the details of the incident/injury within 30 minutes.
- c. Report the incident/injury to the department director as soon as possible.
- d. In coordination with Risk Management, obtain necessary on-scene investigatory needs, i.e. photographs, equipment models, etc.
- e. Render scene safe to prevent any further injury/illness and determine if witnesses to the incident exist. If witnesses do exist, the supervisor will provide Risk Management with the name/s of the individual/s
- f. Maintain contact with the employee regarding the employee's condition and return to duty.
- g. Keep Risk Management advised of the employee's work status.

3. Risk Management Department Responsibility. When notified by a supervisor of a work-related illness or injury of an employee, the Risk Management Department will:

- a. Assist the immediate supervisor with the incident/injury investigation if requested.
- b. Coordinate and verify the completion and delivery of both report of injury and Employer's Report of Industrial Injury (ICA 04-0101) by the City's third-party administrator for triage services is properly completed and provided to Southwest Risk for claims management purposes.
- c. If the injured employee is unable to immediately return to full duty, determine the employee's eligibility for wage continuation or worker's compensation (See [EPM 6.2 – Injured Worker Benefits](#)) and/or transitional duty (See [EPM 7.4 - Return to Work Program](#)).
- d. Prepare an OSHA Form 300: Log of Work-related Injuries and Illnesses and report the incident/injury if required, to OSHA.

4. Payment of Wages.

- a. Day of Occurrence. Time spent by an employee receiving medical treatment during normal working hours for a workplace injury/illness will be treated as working time. (See EPM 4.10 - Working Time). If the employee does not return to work on the day of the injury/illness, the employee will be paid for a full day's work (the shift scheduled for that day) at their regular rate.
- b. Subsequent Days. In the event an employee is off work due to a workplace injury for subsequent days after the day of occurrence, the employee may be eligible for compensation under [EPM 6.2 – Injured Worker Benefits](#).



EMPLOYEE POLICY MANUAL

7.4	Return to Work Program
<u>Issued:</u> December 1, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-3

A. POLICY

1. **Generally.** The City of Surprise Return to Work (RTW) Program provides temporary modified duty to employees who have suffered an injury or illness and as a result are not immediately able to return to full duty. The goal of the RTW Program is for the City to work with injured/ill employees and the employee's physician to transition the employee back to full, unrestricted duty. This program is not available to employees whose physicians cannot provide an estimated date of return to full duty.
2. **Workplace Injuries/Illnesses.** An employee who sustains an injury/illness within the scope of employment, must comply with [EPM 7.3 – Workplace Injury Reporting](#) and must participate in the RTW Program. Refusal to participate in the RTW program may result in the employee's ineligibility for wage continuation and/or disability compensation.
3. **Non-Workplace Injuries/Illnesses.** Employees who are temporarily unable to perform the essential functions of the employee's position, and such is expected to last 14 days or more, may be eligible for RTW modified duty. See also [EPM 3.1 Anti-Discrimination/Accommodation](#).
4. **RTW Plan.** A RTW Plan will be developed for employees eligible for participation in the RTW program. The Plan will set forth the terms and conditions of a temporary modified duty position within the restrictions outlined by the employee's physician and estimated time to return to full duty. Continuation of participation in the program is dependent on complying with the terms and conditions of the Plan.
5. **Plan Limitations.** While on RTW modified duty, employees will:
 - a. Not be eligible for overtime or special duty (except court duty for sworn police personnel);
 - b. Not be permitted to respond to emergencies, drive marked safety vehicles or, for sworn police, wear any part of the uniform of the day;

- c. Be assigned to perform duties the employee is capable of performing in the department where such work is available, as determined by the department director(s);
 - d. Be paid the compensation the employee would have received had they continued to perform their regular duties.
 - e. Be required to use PTO for medical appointments related to any non-work related injury/illness
- 6. Number of RTW Positions.** The availability and number of RTW positions in a department shall be determined by the department director. When considering RTW requests, priority shall be given to employees who have suffered workplace injuries.
- 7. Return to Work.** Employees will be returned to full duty only upon a full release from their physician indicating the employee may return to full duty without restriction. The City may require a fitness for duty exam.
- 8. Disability.** Employees unable to return to full duty because of a physical or mental condition preventing the employee from performing the essential duties of the employee's position should explore work place accommodation options pursuant to [EPM 3.1 – Anti-Discrimination/Accommodation](#).

B. PROCEDURE:

1. **RTW Plan.** Employees participating in the program will meet with their department director or designee in conjunction with the Human Resources Department to develop a RTW Plan. The Human Resources Department is responsible for drafting the RTW Plan. The plan must be reviewed and signed by the employee prior to the employee's returning to work in a modified capacity. The Plan will include at a minimum the following:
 - a. A specific start and stop date for the RTW modified duty assignment. These dates will be, in part, based on information provided by the physician relative to the nature of an employee's condition and the anticipated recuperation time. An employee may remain in a RTW modified duty for a reasonable period of time, determined by the department director in conjunction with the Human Resources Director on a case by case basis;
 - b. Reporting requirements relative to the progress of prescribed treatment and the frequency of those reports;
 - c. Specific treatment ordered by the physician; and
 - d. A specific listing of limits established by the physician which may include, but is not limited to:

- i. Limits in the number of hours per day the employee can work;
 - ii. Climbing limitations (ladders, steps, etc.);
 - iii. Limitations in the use of equipment;
 - iv. Walking and/or standing limitations;
 - v. Stooping and/or twisting limitations;
 - vi. Lifting limitations both for weight and height, as well as frequency; and
 - vii. Pushing and/or pulling limitations.
 - viii. Specific steps developed in conjunction with the physician to "condition" the employee so that they can return to their position as quickly as possible. An example of a conditional objective may be to gradually increase the number of hours per day an employee works or gradually increase the number of days per week the employee participates in normal job duties versus transitional work.
- e. Any work restrictions should be updated at each care provider appointment.
- 2. Plan Monitoring.** Human Resources will monitor compliance with the RTW Plan, in cooperation with the department.
 - 3. Return to Work.** Prior to return to full duty, the employee must obtain a release from the employee's care provider. A Fitness for Duty/Work Release Form is available for this purpose. When appropriate, the employee may be required to participate in a fitness for duty exam pursuant to [EPM 2.7 - Medical Exams and EPM 3.1 Anti-Discrimination/Accommodation](#).



EMPLOYEE POLICY MANUAL

7.5	Controlled Substance Testing
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> May 10, 2016	<u>Applicable Law/Statute:</u> 41 U.S.C. 701-707 et seq. 49 CFR Part 40,382 & 21 U.S.C. 812, 21 CFR 1308.11 through 1308.15. Ariz. Rev. Stat. 23-493 et seq. SMC Sec. 3-3 &3-30

A. POLICY

1. **Zero Tolerance.** The City is committed to maintaining a drug and alcohol-free workplace in order to provide a safe work environment for employees and safe service delivery to the public. In order to achieve this goal, the City has established a program designed to prevent and detect the misuse and abuse of alcohol and drugs in the workplace.
2. **Applicability.** This policy applies whenever an employee is representing or conducting business for the City or while on City property. Positions regulated by federal or state law (such as CDL drivers) are subject to all applicable federal and state regulations.
3. **Substances Tested for and Alcohol Concentration Cutoff Level.** The City of Surprise tests for the following substances during: pre-employment, reasonable suspicion, follow-up, return to duty, post-accident, and/or random tests (**EXCEPTION:** in accordance with federally mandated DOT regulations for CDL employees, only the first 5 substances listed below will be tested under a CDL specific test):

- | |
|---|
| <ul style="list-style-type: none"> • Cannabinoids/THC (Marijuana) • Cocaine • Opiates • Phencyclidine (PCP) • Amphetamines |
|---|
- Methamphetamines
 - Barbiturates
 - Benzodiazepines
 - Propoxyphene
 - Methadone

- a. All testing will be completed by a licensed professional vendor who will collect and analyze samples using an established protocol and scientific method. Results of the test will be in accordance with generally prescribed thresholds adopted by the licensed professional collection/testing facilities.
- b. In addition, all City employees may be tested for alcohol and/or anabolic steroids during reasonable suspicion tests and as prescribed in department specific policies.
- c. When an alcohol test is administered during a random, reasonable suspicion, post-accident, or follow-up test, an alcohol concentration level of **0.02** or higher will be considered positive.
- d. The City reserves the right to test for substances other than those listed above.

4. Prohibited Behavior. It is a violation of this policy to:

- a. Possess, or store Controlled Substances or other intoxicants, without a valid prescription; or to manufacture, sell, trade, and/or offer for sale any Controlled Substance.
- b. Report to work under the influence of drugs or alcohol, or any substance that impairs an employee's mental or physical capacity.
- c. Fail to provide notice as required by this policy.
- d. Test positive for any substance to which this policy applies.
- e. Refuse to test.

5. Refusal to Test. Refusal to Test means any of the following:

- a. Failure to appear for a required test except in the case of a pre-employment test;
- b. Failure to remain at the collection site for a required test except in the case of a pre-employment test when the employee leaves the collection site before the test begins;
- c. Failure to provide a urine specimen for a required test ;
- d. Failure to permit direct observation when required by the testing facility;
- e. Failure to provide sufficient urine/breath without medical evidence and explanation of this inability;
- f. Failure to take a second test when required;
- g. Failure to undergo a medical exam when required;

- h. Failure to cooperate with the testing process including any attempt to interfere, alter, substitute, adulterate, contaminate, or in any way affect the outcome of a drug/alcohol test;
- i. A verified adulterated or substituted test.

6. Mandatory Notifications

- a. Employees that hold a safety sensitive position or a position that requires a valid driver's license are required to notify his/her supervisor of any charge, arrest, or conviction from driving over the legal limit for alcohol or driving under the influence immediately or by the next workday.
- b. Before performing work-related duties, employees must notify their supervisor in writing when the employee is taking any legally prescribed Controlled Substance, or any therapeutic drug or nonprescription drug, which is reasonably anticipated to negatively impact the ability to perform the employee's job duties (a warning label indicating impairment of mental function, motor skills, or judgment, for example). In such case, the employee may be assigned to perform work that can be safely performed while using such medication, placed on PTO, or placed in another appropriate leave

7. Dependence - Self Reporting & Assistance.

- a. Employees may voluntarily self-identify as being in need of help for alcohol / drug use or abuse. Employees who self-report a dependency issue will be referred for evaluation and rehabilitation. Employees will not be subject to discipline for self-reporting as long as the employee self-reports before any alcohol/drug test is ordered under this policy or any investigation regarding possible violation of this policy by the employee is begun.
- b. The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. The City also realizes that early intervention and support improve the success of rehabilitation. To support our employees, the City:
 - Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
 - Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
 - Ensures the availability of a current list of qualified community professionals.

- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program. [See EPM 7.7 – Employee Assistance Program \(EAP\)](#).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee. Employees unable to perform the essential functions of their position because of an addiction to a controlled substance should seek accommodation options pursuant to [EPM 3.1 – Anti-Discrimination](#).

- c. Employees with questions regarding the City’s anti-drug/alcohol misuse programs can contact the Risk Management Division in the Human Resource Department at 623-222-3532
- 8. Searches.** If an employee is suspected of violating this policy, he or she may be asked or compelled to submit to a search or inspection of the employee’s desk, work stations, or person to the extent permitted by law.
- 9. Department Specific Policy and Procedures.** Department Directors may develop controlled substance screening programs which comply with all legal requirements. Such programs must be approved by the Human Resources Director and the City Attorney prior to implementation.
- 10. Safety Sensitive Positions.** The City follows federal rules and regulations regarding testing and testing procedures. Those rules, regulations and testing procedures are located in Chapter 49 of the Code of Federal Regulations, Parts 40 and 382 (<http://www.gpo.gov/fdsys/pkg/CFR-2004-title49-vol1/content-detail.html>).
- 11. Testing.**
- a. In order to assure the accuracy and fairness of our testing program, all testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a medical review officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
 - b. Testing for the presence of the metabolites of drugs will be conducted by the industry standard collection/testing methods.
- 12. Types of Testing.** The following types of tests will be utilized:

- a. **Pre-Employment.** After a contingent employment offer is made (contingent on the employee testing negative on a drug screen and successfully passing a background verification – see [EPM 2.6- Background Verification](#) and [EPM 2.7- Medical Exams](#)), but before the candidate begins employment, a limited panel drug screen must be conducted and results received by the Human Resources Department. Applicants who: test positive, refuse to take the test, adulterate, or substitute a specimen provided for testing will have the offer of employment withdrawn.
- b. **Reasonable Suspicion.** The City of Surprise, as an employer, has an obligation to ensure the safety of its employees and the general public. Reasonable suspicion drug and alcohol testing may be conducted when one, or two supervisors, when feasible, have observed and documented conduct and/or behaviors that may signal impairment of an employee in the workplace. Reasonable suspicion drug and alcohol testing may be conducted when the City receives information regarding an employee and his/her use of an illegal substance, misuse of prescription medications, and/or the consumption of alcohol during work hours.
- c. **Post-Accident.** Employees who are in positions that require a CDL are federally mandated to complete drug and alcohol testing when involved in a vehicular accident and when certain criteria is met. This criterion is listed in the [City of Surprise Alcohol & Drug Testing Programs Commercial Driver's License and Federal Transit Authority Policy](#).
- d. **Follow-Up.** Any employee who self-reports alcohol or drug use must test negative for alcohol/drugs and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. The City will pay for the cost of the test. Once allowed to return to duty, as recommended by the SAP, an employee will be subject to unannounced follow-up alcohol/drug testing for at least 12 but no more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP.
- e. **Return to Duty-** Individuals in Safety Sensitive Positions, who have not performed safety sensitive job duties or been subject to a Random drug and alcohol test for a period of 90 consecutive days, must submit to a drug screen prior to resuming safety sensitive job duties.
- f. **Random.** Employees who are in positions that require a CDL are federally mandated to complete random drug and alcohol testing. Random testing will be unannounced and spread reasonably through the calendar year. The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method. Generally, employees not in safety sensitive positions are not subject to random drug screens under this policy unless further defined by department policy and procedure.

13. Test Result/Confirmation Testing. The results of the testing shall be delivered to the designated Human Resources Employee and the employee tested. An employee who questions the results of a required drug test may request that an additional test be conducted on the split sample at a different certified testing facility. The split sample must have been provided at the same time as the original sample. The cost of the split sample test will be borne by the employee, unless the split sample test invalidates the original test. The employee's request for a split sample test must be made to the testing facility within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will be accepted only if the delay was due to documentable facts that were beyond the control of the employee. An employee whose split sample test result is positive shall have the right to request a certified copy of the testing results in which the testing facility affirms that the test results were obtained using the approved protocol methods. The employee shall provide a signed release for disclosure of the testing results.

14. Consequences of Prohibited Conduct. The City encourages employees to voluntarily seek help with drug and alcohol problems. Any violation of this policy, however, is a Group 1 Conduct Offense, the consequences for which may result in termination. [See EPM 10.1 – Corrective Action](#). Additionally, any individual who violates this policy may be held civilly liable for any loss of federal funds caused by his/her violation of this policy.

15. Confidentiality. All information received pursuant to this policy is confidential to the extent permitted by law. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

16. Training. Employees are provided information on testing policy and procedures including alcohol and controlled substance awareness information. Supervisors must receive initial training on the policy and procedures, including information on alcohol misuse and indicators of the use of controlled substances (reasonable suspicion). Additional training is required if there are changes to federal regulations.

B. PROCEDURE:

- 1. Testing Procedures, Generally.** All testing will be done in compliance with Chapter 49 CFR and any department specific policies/procedures created consistent with this EPM 7.5 – Controlled Substance Testing. All testing is conducted by a certified testing facility that complies with the state and federal regulations pertaining to employee drug testing.
- 2. Reasonable Suspicion Testing Form.** Supervisors shall complete a [Reasonable Suspicion Drug/Alcohol Test Form](#) to document specific, contemporaneous, articulable observations of persons believed to be under the influence of alcohol or drugs within 24 hours of the observation. The immediate

supervisor will contact the Human Resources department who will call the testing facility to schedule a time for testing. It is the responsibility of the immediate supervisor to ensure that the employee is transported to the testing facility for testing.

- 3. Request for Confirmation Testing.** An employee who questions the results of a required drug test may request that an additional test be conducted at a different certified testing facility by submitting a written request to Human Resources within seventy-two (72) hours of notice of the initial test result.



EMPLOYEE POLICY MANUAL

7.7	Employee Assistance Program (EAP)
<u>Issued:</u> January 16, 2009 <u>Last Amended Date:</u> August 12, 2013	<u>Applicable Law/Statute:</u> SMC Sec. 3-61

A. POLICY

1. **Generally.** The employees and management of the City recognize that almost any human problem can be successfully treated provided it is identified and referred to the appropriate treatment professional. This applies to physical illness; mental or emotional illness; financial, family, marital or employee stress; alcoholism; drug abuse; legal problems; or other problematic human concerns. For this purpose the City maintains an Employee Assistance Program (EAP) at no cost to employees.

2. **Program Details.** When an employee's work (i.e., work quality, safety practices, attendance, etc.) is unsatisfactory and the employee is unable to correct the situation, either alone or with normal assistance, it is an indication that the cause of the problem may be outside the realm of employment responsibilities. In addition, certain traumatic events may occur at work or in the community (i.e., death of an employee, community disaster, etc.) which may cause one or more employees to require the services of the EAP. Therefore, it is the policy of the City to maintain an EAP to assure that:
 - a. Employees who have personal problems which may affect their work will be encouraged to voluntarily seek information concerning the EAP on a confidential basis by contacting their supervisor, department director, Human Resources, or the City's EAP provider directly;
 - b. EAP services are provided by third party providers. Records and discussions are confidential and are not available to the City;
 - c. Medical leaves or leaves of absence shall be granted for treatment or rehabilitation on the same basis as other medical problems or as provided in these policies;
 - d. The employee's job will not be jeopardized for utilizing the EAP;

3. **Participation.**

- a. Participation in the program in most instances is voluntary. However, the following instances have been classified as traumatic and initial consultation or assessment is required by employees that are directly involved:
 - i. Non-Sworn Employees: Witness to or involved in a fatal or maiming accident or a life threatening incident.
 - ii. Public Safety Personnel:
 - a) *Firefighter*: Fire death, major disaster involving loss of life, multiple injury death.
 - b) *Police Officers*: Shooting incident involving physical injury or death.
 - iii. Instances in which the employee may pose a danger to him/herself or others in the work environment.
- b. The EAP is available to all employees and their dependents, since it is recognized that problems at home can adversely affect an employee's ability to function on the job. See [EPM 5.4 - Military Leave](#) regarding the employee's right to access to counseling, and all other benefits, through the EAP for 18 months after the initiation of extended military leave.
- c. Employees participating in this program will be expected to meet work requirements and established work rules.
- d. It is the desire of the management of the City that employees who may be having problems that affect their work use the EAP. Nothing in this policy or program may be construed as exempting employees from corrective action where rules of conduct are violated or where work performance does not meet acceptable levels.

B. PROCEDURE

1. **Contact Procedure.** Employees voluntarily seeking information about or assistance from the City's EAP may contact the Human Resources Department, or the City's EAP provider directly at 1-800-327-2384.
2. **Crisis Line.** A 24-hour crisis line is available and may be reached at 1-800-833-3031.
3. **Detailed Information.** Detailed information about the City's Employee Assistance Program and EAP provider is at <http://www.surpriseaz.gov>.



EMPLOYEE POLICY MANUAL

7.8	Volunteer Management - NEW
<p><u>Issued:</u> August 5, 2013</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u></p>

A. POLICY

1. **Utilization of Volunteers.** The City accepts and encourages the involvement of volunteers in various City departments and within appropriate programs and activities. City departments and staff are encouraged to assist in the creation of meaningful and productive roles in which volunteers might serve and to assist in recruiting volunteers from the community.
2. **Applicability.** Unless specifically otherwise stated, this policy applies to all volunteers in all programs and projects undertaken by or on behalf of the City and to all departments and sites of operation within the City. This policy does not apply to persons appointed by City Council to voluntarily fill seats on City boards and commissions or any volunteer organization that partners with the City (i.e. Sundancers).
3. **Volunteer Defined.**
 - a. A volunteer is anyone who, without compensation or expectation of compensation, performs a task at the direction of and on behalf of the City. A volunteer must be officially accepted and enrolled by the City as provided in this policy prior to the performance of any tasks.
 - b. Volunteer also includes those participating in student community service activities, unpaid student intern projects or other volunteer referral programs. Student intern projects must have a specific written agreement with the City in advance that identifies responsibility for management and oversight of the volunteer.
 - c. Employees may serve as volunteers as long as volunteer service is performed totally without any coercion, involves work which is outside the scope of the employee's normal duties, and is provided outside of the employee's normal scheduled working hours.
 - d. Except for purposes of workers compensation coverage as outlined herein, volunteers shall not be considered employees of the City.

- 4. Volunteer Program.** Each department wishing to utilize volunteers must first create guidelines that will apply to the selection, use and management of volunteers in the department. These guidelines must be reviewed and approved by the Human Resources Department prior to utilizing volunteers and must include and/or address the following:

 - a. A description of the purpose and duties of each volunteer position, including a designated supervisor, worksite and performance time frames.
 - b. A recruitment and interview process designed to ascertain the suitability for and interest in available volunteer position/s.
 - c. Appropriate background checks including, as appropriate, criminal history, motor vehicle and drug screen.
 - d. Orientation and training necessary for the volunteer to fulfill the purpose of the volunteer position responsibilities.
 - e. Attendance expectations.
 - f. Performance standards including work to be done in the position, measurable indicators of whether the work was accomplished, and appropriate timelines for accomplishment of the work.
 - g. Opportunity for periodic oral and written feedback from the volunteer regarding their work.

- 5. Volunteer Program Coordinators.** Each City department wishing to utilize volunteers must appoint an employee to serve as the department's Volunteer Program Coordinator. The Coordinator must be a fulltime regular City employee who will be responsible for their department's effective use of volunteers, tracking and evaluating the contribution of volunteers to the department, and keeping all records regarding the department's use of volunteers.

- 6. Volunteer Service.**

 - a. Volunteers are expected to maintain a professional demeanor at all times, follow all applicable City policies and procedures, be honest, and have integrity. Inappropriate behavior may result in termination of the volunteer services.
 - b. Volunteers may act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.
 - c. Volunteers under the age of 18 must have the written consent of a parent or guardian prior to volunteering. The volunteer services assigned to a minor should be performed in a non hazardous environment and must comply with all appropriate requirements of child labor laws.

- d. Volunteers must satisfy the requirements of the Volunteer Program for each department for which the volunteer is utilized.
- e. Volunteers may be eligible for reimbursement of reasonable expenses incurred while undertaking business for the City. Prior approval per department policy must be obtained by the volunteer for any reimbursable expenditure.
- f. Volunteers may have access to City property, materials, and equipment (including City vehicles) necessary to fulfill their duties. Volunteers must receive training in the operation of any equipment used as part of the volunteer position.
- g. Liability and accident insurance is provided for all volunteers engaged in City business. Volunteers are encouraged to consult with their own insurance agents regarding the extension of their personal insurance to include community volunteer work. Specific information regarding such insurance is available from the City Risk Management Division.

7. Service at the Discretion of the City. The City accepts the service of each volunteer at its sole discretion. Either the City or the volunteer may terminate the relationship at any time and for whatever reason.

8. Applicable EPM. Although not employees, volunteers and volunteer programs must comply with the following EPM sections:

- a. 2.2 – Nepotism
- b. 2.6 – Background Verification
- c. 2.8 - Employment Eligibility/E-Verify (Alien Status)
- d. 3.1 – Anti – Discrimination
- e. 8.4 - Identification Badges
- f. 8.6 - Use of City Resources
- g. 8.7 - Communications/Social Media
- h. 8.9 - Reimbursement, Allowances & Stipends (reimbursements only)
- i. 9.2 - Conflicts of Interests
- j. 9.5 - Appearance & Dress

9. Confidentiality. Volunteers are responsible for maintaining the confidentiality of all proprietary or privileged information to which they are exposed while serving as a volunteer whether this information involves a single staff member, volunteer, citizen or other person or involves overall City business.

10. Certificate of Ability. Any volunteer who indicates that they are under the care of a physician for either physical or psychological treatment may be asked to present a certificate from a care provider as to their ability to satisfactorily and safely perform their volunteer duties.

11. Eligibility for Workers Compensation. Individuals in regular volunteer positions as adopted by the Mayor and City Council pursuant to A.R.S. § 23-9601 will be treated as employees for the sole purpose of eligibility for workers compensation benefits. The list of regular volunteer positions for purposes of this section is attached to this policy. The Human Resources Director shall periodically review the list and make recommendations to the City Manager for any additions or deletions to the list. The list shall be updated as necessary by City Council.

B. PROCEDURE

- 1. Acceptance of Position.** After completion of the selection process outlined in the Department specific volunteer program, each volunteer must acknowledge acceptance of the position pursuant to the program. A volunteer identification badge will be issued to all accepted volunteers per [EPM 8.4 – Identification Badges](#).
- 2. Termination of Volunteer Service.** When the services of any volunteer are terminated, for any reason, the Program Coordinator must inform Human Resources and IT in order to cancel badge, computer and other accesses. The Coordinator must also inform an affected staff or residents/clients in writing and should clearly indicate that any further contact with the volunteer is outside any scope of a relationship with the City.
- 3. Records to Human Resources.** Each department utilizing volunteers must provide a copy of the department's volunteer program policy/procedure to Human Resources and identify the department employee who will serve as the Program Coordinator. If the identity of the Program Coordinator changes, the department must notify Human Resources as soon as practicable.



EMPLOYEE POLICY MANUAL

7.9	Smoking
<p><u>Issued:</u> January 16, 2009</p> <p><u>Last Amended Date:</u> August 12, 2013</p>	<p><u>Applicable Law/Statute:</u> A.R.S. 36-601.1 SMC Secs. 22-19 to 22-31</p> <p>CM 1-5</p>

A. POLICY

1. **Generally.** Because of the harmful consequences of smoking, both active and passive, and in compliance with state law, the City has adopted the following policy.
 - a. Smoking is prohibited by all persons in all City buildings and within 20 feet of all entrances, open windows, and permeable components of ventilation systems outside City buildings;
 - b. Ashtrays are not permitted in City buildings;
 - c. Smoking is prohibited by all persons in vehicles leased or owned by the City;
 - d. No smoking signs containing the international no smoking symbol, a citation to A.R.S. § 36-601.01, the telephone number for making complaints, 1-877-4-AZNSMOKE (1-877-429-6676), and the website address for making complaints, www.smokefreearizona.org, will be posted at all entrances to City buildings in a location visible from the outside, and in all City vehicles; and
 - e. Employees smoking during working hours may do so only in designated smoking areas and shall not be entitled to more frequent breaks than employees who don't smoke.
2. **Designated Smoking Areas.** Smoking is allowed only in areas designated as smoking areas. The smoking area for City Hall is located immediately east of the North entrance of City Hall. Other City facility's smoking area will have at least one designated smoking area, posted with signs designating the area as a smoking area.
3. **Use of Simulated Cigarettes.** The use of any electronic cigarette, e-cigarette, personal vaporizer, PV, or any other simulated cigarette is prohibited in the same manner as is smoking tobacco.



EMPLOYEE POLICY MANUAL

7.10	Violence in the Workplace
<u>Issued:</u> December 12, 2009 <u>Last Amended Date:</u> August 5, 2013	<u>Applicable Law/Statute:</u> A.R.S. 13-3102 SMC Sec. 3-3 ARS 12-781

A. POLICY

1. **Generally.** The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. Acts of violence and/or threats of violence are strictly prohibited and will not be tolerated. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the event that workplace violence occurs.

2. Definition of Workplace Violence.

a. Workplace Violence is any act or threat of violence involving a City employee that is severe, offensive or intimidating enough to make an individual reasonably fear for the individual's personal safety, the safety of others, or property.

b. Examples of Workplace Violence under this policy include, but are not limited to:

i. Aggressive physical contact (punch, slap, kick, the throwing of objects, etc.);

ii. Threatening aggressive physical contact (raising a hand, balling a hand into a fist, displaying a weapon, etc.);

iii. Threatening an individual or the individual's family, friends, associates, or property with serious physical harm;

iv. Intentional destruction or threat of destruction of the City's or another's property;

v. Possessing a weapon of any type while in or on City property (including vehicles & equipment), except as otherwise permitted by this policy. Weapon, for purposes of this section means any substance, or device (or simulated substance/device) designed, intended, or that has the potential to cause serious harm to person or property.

c. Examples of conduct that is not Workplace Violence include:

- i. Statements or conduct that is irritating, pestering, disruptive, or annoying, but does not create a reasonable fear of physical injury;
- ii. Arguments, or similar “heated” exchanges that do not create a reasonable fear of physical injury;
- iii. Comments not directed to a specific individual, even when such could be considered threats of physical harm if directed to a specific individual. (i.e. “I could kill someone”; “I’m gonna murder the person who designed this”).

These types of conduct, while not violations of this EPM 7.10 – Violence in the Workplace, may violate City policy and should be reported and handled in accordance with [EPM 9.1 - Rules of Conduct](#).

- d. Possession of personal protective/defensive spray (mace/pepper spray) of no more than 2 oz. does not violate this policy.
- e. Possession of a weapon by law enforcement officers or designated police department personnel whose position is authorized to carry a firearm is not a violation of this policy.
- f. Firearms stored in a locked, privately-owned motor vehicle or in a locked compartment on a privately-owned motorcycle, that is not visible from outside the motor vehicle or motorcycle, as required by A.R.S. §12-781, is not a violation of this policy.

3. No Tolerance Policy.

- a. Conduct by an employee that constitutes Workplace Violence, as described by this EPM 7.10 – Violence in the Workplace, committed on City property or when the employee is acting within the scope of employment/agency, regardless of the location, is a Group 1 (Serious) Conduct offense (see [EPM 9.1 - Rules of Conduct](#) and [EPM 10.1 - Corrective Action](#)). Additionally, any employee who violates this policy may be directed to stay away from City premises, and/or criminally prosecuted, as well as subject to other City responsive steps.
- b. Conduct by a non-employee that constitutes Workplace Violence, as described by this EPM 7.10 – Violence in the Workplace, committed on city property or against an employee acting within the scope of employment/agency at the time, regardless of the location, will result in the City taking any legal means available to protect the City, its property and its employees.
- c. Failure to report workplace violence is itself a violation of this policy, that will result in corrective action.
- d. Retaliation against anyone for reporting in good faith an actual or suspected violation of this policy will subject the individual engaging in the retaliation to

corrective action. Any complaints about retaliation may be reported in the same manner as violations of this policy.

4. Protective Orders.

- a. The City reserves the right to seek protective orders to the fullest extent allowed by law.
- b. Employees who obtain a protective order must immediately notify the Human Resources Director or City Manager of:
 - i. the existence of any such order and provide a copy of the order.
 - ii. any violations or attempted violations of the order.
 - iii. any changes to the order.
 - iv. the order being lifted, expiring or otherwise becoming unenforceable.

5. Investigation. All reported incidents of workplace violence will be investigated as appropriate, consistent with [EPM 10.2 – Disciplinary Investigations](#).

6. Workplace Violence Assessment Team.

- a. The Assessment Team is a multi-disciplinary team that is assembled to collaborate and advise on processes to address incidents of workplace violence.
- b. The core members of the Assessment Team shall consist of a designated member of:
 - the Police Department who shall Chair the committee;
 - the Human Resources Department, who shall be the Vice-Chair, and may act in the absence of the Chair;
 - the City Attorney's Office;
 - the City Manager's Office; and
 - If available, a person from the affected Department/s with knowledge of the situation ("Department Personnel")
- c. The Assessment Team will draft a Workplace Violence Response Plan. All members on the Assessment Team should be familiar with the Workplace Violence Response Plan and be prepared to administer the plan quickly and objectively to protect the City and employees.
- d. The team may do the following in response to a Workplace Violence report:
 - Order evacuation of individuals or buildings;
 - Request emergency Police involvement (including SAU);
 - Request Medical response from EMS providers;
 - Order immediate increased security measures;

- Request additional support from the Police Department, victim assistance, medical and/or mental health professionals;
- Request a criminal investigation by the Surprise Police Department or other law enforcement agency as necessary;
- Request an injunction against workplace harassment be obtained by the City Attorney;
- Notify or respond to the media;
- Place any individual(s) involved on paid administrative leave;
- Refer any individual(s) involved to EAP or other counseling or anger management assistance and require involved employees to attend;
- Require a fitness for duty examination or other professional assessment through providers chosen by the City to determine whether a perpetrator presents a threat of workplace violence.

7. False Reporting. In the event that it is determined through an investigation that any employee falsely accused another employee of workplace violence, the accuser will be investigated and subject to corrective action.

B. PROCEDURE

1. Reporting Procedure. An employee who believes that a threat or act of workplace violence has been committed should:

- a. If appropriate in the good judgment of the employee, call 9-1-1. This must be done in any situation in which a serious threat or risk of injury/bodily harm is imminent or underway or anytime a weapon is involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.
- b. Report the details of the incident immediately to the employee's supervisor, department director or Human Resources. Any management level employee who knows or receives notice of an incident of Workplace Violence must immediately contact Human Resources. Human Resources will provide this information to the Workplace Violence Assessment Team Chair who should then make an initial determination whether to activate the Assessment Team. All reported Workplace Violence must be documented by the department.

2. Assessment Team.

- a. To activate the Team, the Chair will notify members of the Team and designate a time and place for the Team to assemble. During the first

meeting, the Team will begin the workplace violence assessment process and provide direction on processes that need to be put in place to address the reported workplace violence. The Team will also determine the necessity for further meetings or discussion to seek a safe resolution.

b. The following information, if available, should be collected by the Department personnel while the Team is being assembled:

- The time and place the incident, the method used (in person, in writing, phone call, email, etc.), and by whom.
- The nature of the event (physical contact, showing a weapon, etc.)
- Identification of the individual(s) involved.
- The location of the event.
- Any past history of the same type of workplace violence/corrective action.

3. Assessment Team Recommendations. Each incident will be unique and the need for the Threat Management Team's intervention may vary. Each incident will be independently assessed by the team who will determine its involvement in each case. After any immediate response by the Assessment Team has passed, if warranted, will be memorialized in writing, designed to address areas of needed improvement in City response, intervention services, preventative measures, etc. The written response will be maintained as part of the disciplinary file maintained by Human Resources.



EMPLOYEE POLICY MANUAL

Policy 8.1	Travel
<u>Effective Date</u> 1/16/09	<u>Applicable Law/Statute</u> SMC Sec. 3-60
<u>Last Amended Date</u>	

A. POLICY

- 1. Generally.** It is the policy of the City to reimburse City employees for ordinary and necessary expenses incurred in the conduct of City business while in travel status. The City's policy and procedure on travel expenses and reimbursement is maintained by the Finance Department and is available [here](#).
 - 2. Compliance.** All employees who intend to incur expenses in the conduct of City business while traveling and desire to be reimbursed by the City are required to review this policy in advance of such travel. Employee deviation from this policy will be grounds for corrective action. It is the responsibility of all department directors to implement and comply with this policy.
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EMPLOYEE POLICY MANUAL

Policy 8.2	Purchasing		
<u>Effective Date:</u> 1/16/09	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept.:</u> COS Procurement Code/M&B	<u>Authorizing M.C. Sec:</u> Sec. 2-335 to 2-362

A. POLICY

1. Procurement Code. The Purchasing Division of the City's Management & Budget Department administers the City of Surprise Procurement Code, which contains the rules and procedures which govern the purchasing of goods, supplies and services by City departments. The code also provides for the fair and equitable treatment of all persons involved in the purchasing process, in order to obtain the highest possible value in exchange for public funds, and to safeguard the quality and integrity of the City's purchasing system. To view the [Procurement Code](#).

2. Outline of [Purchasing Thresholds and Requirements](#).

a. Purpose.

- i. The table below outlines the expectations governing City purchasing thresholds and requirements for direct purchases in two distinct categories - \$0 to \$5,000 and informal bids and quotes for purchases from \$5,001 to \$50,000.
- ii. For purchases above \$50,000, see [Guideline 502](#).

b. Purchasing Thresholds.

Dollar Amount	Purchasing Requirements
Direct	Purchases (DP)
Department may directly purchase items in this grouping. No Purchase Order (PO) will be issued and Purchasing does not need to be involved.	
\$0-\$5,000	Director Discretion
Informal	Bids/Quotes
Department may obtain quotes for items in this grouping prior to contacting Purchasing. <i>A Requisition (RE) must be entered into the City's Financial Management System (FMS) as a first step to initiating this process – no exceptions. No purchases may be made until Purchasing issues a PO</i>	
\$5,001-\$25,000	Three (3) documented verbal quotes (see Exhibit 501-A)
\$25,001-\$50,000	Three (3) written quotes on company letterhead (see Exhibit 501-B)

- 3. Procurement Card.** The Purchasing Division also oversees the City of Surprise Procurement Card Program. The program provides authorized card holders with a fast, flexible alternative for purchasing goods, supplies and services under \$5,000 from suppliers that accept MasterCard. Cardholders can obtain goods and services in a quick, convenient way designed to speed up purchasing time and reduce paperwork for the purchaser's department, the Purchasing Division, and the Accounts Payable Division. The card also allows purchasing over the phone, fax, and Internet. To view the [Procurement Card Program - Card Procedure and Use Manual](#).
- 4. Compliance.** All persons authorized to make purchases on behalf of the City are required to be familiar with and comply with the City's Procurement Code. Violations of the City's Procurement Code, purchasing policies and procedures, Procurement Card Users Manual, or Procurement Card policies and procedures may subject employees to the obligation to pay for or reimburse the City for the costs of improper and/or unauthorized purchases, and corrective action.



EMPLOYEE POLICY MANUAL

Policy 8.3	Fleet Policy
<u>Effective Date</u> 1/16/09	<u>Applicable Law/Statute</u> 49 CFR 40, 383 & 655 SMC Sec. IX-29-060
<u>Last Amended Date</u>	

A. POLICY

1. **Generally.** The [City of Surprise Fleet Safety Policy](#) establishes:
 - a. An accident prevention program,
 - b. Management responsibilities for enforcement of the policy,
 - c. Minimum standards for all prospective new hires and incumbents in employment positions which require driving as an essential function,
 - d. Rules regarding the use of City vehicles and equipment,
 - e. Accident reporting procedures,
 - f. A Fleet Safety Review Committee, and
 - g. Driver training requirements.
2. **Enforcement.** All managers and supervisors are obligated to consistently enforce the Fleet Policy. All individuals driving City vehicles and any other vehicle on City business must fully understand these rules and the consequences of violating them prior to operating any vehicle on City business.
3. **Application.** The Fleet Policy applies to all City employees and any other person driving a City vehicle or any other vehicle on City business. The City's Police and Fire Departments are exempt from this policy to the extent they have adopted a written policy that meets or exceeds the minimum standards outlined here.
4. **CDL Holders.** Employees with a Commercial Driver's License must follow federal and state guidelines as well as the Fleet Policy.



EMPLOYEE POLICY MANUAL

Policy 8.4	Identification Badges
<u>Effective Date</u> 1/1/10	<u>Applicable Law/Statute</u> SMC Sec. 3-1
<u>Last Amended Date</u>	

A. POLICY

1. **Generally.** City employees, contractors, and volunteers are required to wear ID badges while in secure areas of City facilities. ID badges serve the dual purpose of readily identifying persons authorized to be in secure work areas, while providing measured protection against the intrusion of unauthorized persons. The City identification system also validates employee identities and provides keyless entry by authorized personnel into City facilities.
 2. **Control and Issuance of Badges.** ID badges are issued by the City Hall Welcome Desk. Access to certain areas of certain city facilities (Police and Fire) is managed by those specific departments in conjunction with the IT/GIS Department.
 3. **Building Access.**
 - a. Employee access to buildings and work areas is determined by each department director in cooperation with the IT/GIS and Human Resources Departments. Employees generally have card access to their main building, and to their specific department from 6:00 a.m. to 6:00 p.m., Monday through Friday, except holidays.
 - b. Employees granted access to work during evenings, weekends and holidays, will have badges programmed to allow entry into the designated area(s).
 4. **Employees.**
 - a. All employees (except as otherwise directed by a department) are required to wear the ID badge issued to them at all times while working. Employees are to display the badge on the front of their body between the neck and above the hips; so that the entire face of the badge is clearly visible. The employee must either clip the badge to a piece of outer clothing or wear the badge around their neck on a chain or necklace.
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- b. Employees who misplace or forget to bring their badge to work must obtain a temporary badge from the City Hall Welcome Desk. Temporary badges are to be returned by the employee to their immediate supervisor at the end of the work day.
 - c. All employee ID badges are the property of the City and are not to be defaced or abused in any manner. No other items are to be affixed or attached to the badge either temporarily or permanently. No lettering, drawing, or wording other than what is printed on the badge is permitted.
 - d. Each employee is responsible for safeguarding the employee's ID badge, and must immediately report any lost badge to their supervisor and the Human Resources Department. Continued failure to wear the ID badge, or excessive loss or damage to ID badges, may result in corrective action. Employees shall be charged \$10.00 for a second re-issued badge in any 12 month period.
 - e. An employee who is on an extended leave of absence (30 days or more) shall turn in the ID badge to the employee's supervisor pending return to work.
 - f. Employees are not to possess more than one ID badge at any one time. Exceptions may be made by the Director of Human Resources or the IT/GIS Director.
- 5. Temporary Staff.** Person(s) employed by temporary employment agencies and assigned to work for a department of the City on a temporary basis shall receive an ID badge.
- 6. Identification Badge Holder Responsibilities.** ID badge holders are:
- a. Not to lend the ID badge to anyone.
 - b. Not to allow individuals without an ID badge into any secure area.
 - c. Not to leave the badge on the dash of vehicle or other locations where it is exposed to extreme temperatures.
 - d. Not to fold, bend, pry open or mutilate the ID badge.
 - e. Not to use the ID badge improperly.
 - f. Not to leave the ID badge unattended.
 - g. To immediately notify Human Resources Department if the ID badge has been lost or stolen and obtain a replacement badge.

- h. To immediately notify their supervisor of any difficulties or problems with the ID badge.

B. PROCEDURE**1. Obtaining an ID Badge.**

- a. New City employees shall receive an ID badge prior to or during NEO.
- b. Any department obtaining an ID badge for a contractor or temporary agency employee shall complete an [ID Badge Access Form](#) and provide same to the City Hall Welcome Desk, and shall make arrangements with the City Hall Welcome Desk for the person to be photographed.

- 2. Change in Access Level.** If a change in an employee's access level is desired, the department director shall request such change of Human Resources by completing an [ID Badge Access Form](#).

- 3. Replacement of Lost, Stolen or Damaged Badges.** In the event of a lost, stolen or damaged ID badge City Hall Welcome Desk will deactivate the badge and provide the employee with a replacement. Two or more replacements for an employee in a twelve month period will result in a notice to the Payroll Division to charge the employee \$10.00 by payroll deduction on the employee's next paycheck.

- 4. Deliveries.** Vendors and delivery personnel who need access to non-public areas of a department shall check in at the front/receptionist area and be accompanied by a City employee when entering secure work areas.

- 5. Separating from Service.** All separating employees must surrender their badge as provided in [Policy 3.11 - Separating from Service](#).



EMPLOYEE POLICY MANUAL

Policy 8.5	Public Records
<u>Effective Date</u> 1/16/09	<u>Applicable Law/Statute</u> A.R.S. 39-101 to 103 A.R.S. 39-121-128
<u>Last Amended Date</u>	A.R.S. 39-141 to 145 SMC Sec. 3-3

A. POLICY

1. **Generally.** Pursuant to applicable law, the City of Surprise will make its public records available to the public for inspection within a reasonable time after request.

 2. **Records Defined.** "Records" for this purpose is defined as:

"all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to ARS §41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein."

 3. **Scope of Coverage.** The laws governing public records as discussed above apply to all employees of the City of Surprise.

 4. **Responding to Requests for Public Records.**
 - a. **General Rule.** The City Clerk in coordination with the City Attorney's office shall respond to public records requests. All requests for public records [except those described in section (b)] received by any department shall be forwarded to the City Clerk's office immediately upon receipt. No person other than the City Clerk or City Attorney's office is authorized to respond to such a public record's request. The City Clerk's office, with the assistance of the City Attorney's office, will advise departments on release of the requested information.
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Policy 8.5	Public Records	Last Amended
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b. Exception. The City Clerk, in conjunction with the City Attorney's office, may delegate responsibility to respond to public records requests to departments which experience a high volume of such requests and the requested records do not contain confidential information.

5. Record Retention and Disposition. All public records in the custody of the City shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law. The public records law also sets maximum periods of time a public record may be retained. A public record may not be kept by the City past this maximum period unless the record is related to pending or current litigation, progressive disciplinary action, or is necessary for an audit. The maximum periods for the retention of City of Surprise records are set out in the [Arizona Municipalities Records Retention and Disposition Schedule](#).

6. Email. The City policy on retention of email is at <http://insidesurprise/documents/e-mail-retention>.

B. PROCEDURE

1. Record Request Procedure. In order to accurately and promptly answer public record requests, persons requesting to inspect and/or copy public records shall comply with the following procedure:

a. Any individual wishing to inspect or obtain copies of public records shall complete and submit a written [Request for Public Records](#) to the City Clerk's Office, identifying themselves, identifying the records they wish to inspect and/or receive copies of, indicating whether the record will be used for a commercial or non-commercial purpose, and making any deposit required for any fees to be assessed for the requested records.



EMPLOYEE POLICY MANUAL

Policy 8.6	Use of City Resource
<u>Effective Date</u> 6/15/09	<u>Applicable Law/Statute</u> A.R.S. 44-7501 SMC Sec. 3-3
<u>Last Amended Date</u>	

A. POLICY

1. Generally. The use of e-mail, telephones, television, computers, Internet services and office machines provides many benefits for the City and its employees. The Internet, telephones and e-mail make communication more efficient and effective as well as provide a tool for learning and developing new skills. Therefore, employees are encouraged to use these services appropriately. Inappropriate use of e-mail, telephones, television and the Internet can place the City and others at risk. This policy has been established to provide employees with rules for using these tools in an appropriate, ethical and professional manner.

2. Telephones.

- a. City Land Line Phones. City land line phones are to be used for business purposes only. Personal calls on land line phones by employees during work hours are to be discouraged, held to a minimum number and duration, and are not to interfere with work. Personal long distance calls on City land line phones are to be made only in an emergency and by use of a charge card or collect.
 - b. City-Issued Cell Phones.
 - i. City-issued cell phones are to be used for business purposes only. The use of a City-issued cell phone for illegal activity or other activity that could bring discredit to the City is strictly prohibited. When a City-issued cell phone must be used to make or receive a personal call, the employee shall reimburse the City as provided in [Policy 6.5 - Reimbursements, Allowances & Stipends](#).
 - ii. Employees shall be responsible for replacing a lost or destroyed City-issued cell phone.
 - iii. Please refer to the [IT/GIS Department's Cell Phone Use Policy](#) for detailed guidelines covering the use of City-issued cell phones and the rules concerning those receiving a monthly cell-phone reimbursement.
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3. Electronic Communications.

- a. Generally. Employees are prohibited from engaging in certain activities when using electronic communications. These include, but are not limited to:
 - i. Using the Internet, e-mail, television, and telephone system for transmitting, retrieving or storing any communications of an obscene, X-rated, defamatory, discriminatory or harassing nature. Messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, sexual preference or other offensive descriptor shall not be transmitted or received, whether or not the receiving party views the material as unwanted. Harassment of any kind by use of City electronic media is strictly prohibited.
 - ii. Transmitting disparaging, abusive, profane, or offensive language. Transmitting or downloading materials that would adversely or negatively reflect upon the City or be contrary to the City's best interests; and any illegal activities -- including piracy, cracking, extortion, blackmail, chain letters, copyright infringement, and unauthorized access to any computers on the Internet or e-mail -- are prohibited. Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images is prohibited.
 - iii. Employees are to report the receipt or knowledge of electronic messages in violation of this section to their supervisor and the Human Resources Department immediately.
 - iv. The City's Email Security Guidelines are contained [here](#).
- b. Employee Responsibilities and Prohibitions.
 - i. Employees will not use the City's electronic resources in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving many large files, "spamming" (sending e-mail messages to thousands of users), or sending e-mail using another's identity, an assumed name, or anonymously.
 - ii. Each employee is responsible for the content of all text, audio or images placed or sent over the City Internet and e-mail system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that the City's name is attached to all messages. Employees are required to exercise discretion in formulating and sending messages.
 - iii. Internal and external e-mail messages are considered public records and may be subject to inspection and copying by the general public

and/or discovery in the event of litigation. Employees shall be aware of this possibility when sending e-mail within and outside the City, since all computer systems and software, as well as the e-mail and Internet connection, are City-owned. Any employee who abuses the privilege of City facilitated access to e-mail or the Internet may be subject to corrective action up to and including termination.

- iv. Employee shall use the City's e-mail, Internet, television and telephone systems for City business purposes only. Any personal use of City electronic resources should not interfere with business activities. Use of City electronic resources for personal or private purposes to the extent that such use compromises security, impedes City business in any manner, negatively impacts employee productivity, or increases costs associated with the network or City operations may subject the employee to corrective action up to and including termination.
- v. Employees are expected to prevent the unauthorized use of the City's Internet and e-mail systems while logged into the City's network by using password-protected screen savers or other appropriate techniques while away from their computer. Employees should not share email passwords with others. Any use that occurs on an employee's workstation under that employee's login is presumed to be performed by that employee.
- vi. Extensive personal use that interrupts City business and/or interferes with an employee's ability to perform the employee's work is prohibited. An employee is prohibited from using their City e-mail account and telephone service as their primary personal e-mail address and telephone service.
- vii. Unauthorized downloading and distribution of copyrighted materials (e.g., pictures or other proprietary material) is prohibited.
- viii. Downloading or copying music and videos, including music and videos legally obtained, for non-business purpose is prohibited.
- ix. Downloading freeware, shareware, or licensed software including browser plug-ins without approval from the City IT/GIS Department is prohibited.
- x. Employees may not upload to any computer via the Internet, any licensed software, software applications, databases, spreadsheets or documents developed by the City without approval from the City IT/GIS Department.
- xi. Employees may not establish new or different Internet business channels, such as electronic data interchange, electronic malls or online database services unless approved by the IT/GIS Department.
- xii. Using the City's electronic connections for private gain or profit (e.g., online gambling or personal business) is prohibited.

Policy 8.6	Use of City Resources	Last Amended
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- xiii. Instant messaging via public service provider (e.g. Yahoo, MSN, etc.) is prohibited.
- xiv. Internet history logs are scanned by IT/GIS for all users on a routine basis.
- xv. Soliciting for political, religious or other non-business purposes is prohibited.

c. Retention and Storage of E-mail and Voice Mail.

- i. The City maintains electronic mail in an archive system for 60 days. All e-mail is placed in the archive system when it arrives at the City mail server and prior to delivery to the user's mailbox. The IT/GIS Department is responsible for purging electronic mail from the City Enterprise Email System older than 60 days.
- ii. Voicemail, whether in the phone system or in the e-mail unified messaging system, is not archived by the City.
- iii. The City e-mail backup system saves a backup of all networked files including e-mail for a 60 day period. After this period, files, except for e-mail in the archive system, cannot be retrieved. Email users should establish email file folders for storing messages that need to be retained for business reasons.
- iv. The City policy on retention of email is at <http://insidesurprise/documents/e-mail-retention>.

4. Use of City Copiers, Printers and Fax Machines. The use of City-owned copiers, printers and facsimile machines is restricted to City business and employees shall not use these office machines for personal or private purposes. The use of large format copiers is also restricted to specific business purposes. Unauthorized copying, printing and faxing may subject the employee to corrective action.

5. Confidentiality, Public Records and Requests.

- a. The City provides no assurance of privacy or confidentiality regarding the personal use of its electronic communication system. Employees must be aware that information generated by or stored on the City's electronic system is subject to disclosure pursuant to the Arizona Public Records Act. Therefore, all communications must be considered open to public view unless a specific legal determination has been made by the City Attorney to the contrary. The City Clerk is responsible for managing public records requests for electronic communications per [Policy 8.5 - Public Records](#).
- b. Employees with questions regarding the appropriate use of the Internet or e-mail are directed to contact the IT/GIS Department.

Policy 8.6	Use of City Resources	Last Amended
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6. Breach of Security. When the City becomes aware of an incident of unauthorized acquisition and access to unencrypted or un-redacted computerized data maintained by the City that contains a City employee's personal information, the City will comply with all applicable laws in response.

7. Policy Violations. Violations of this policy may result in corrective action.

B. PROCEDURE

1. Electronic Media User Agreement. All City employees and volunteers shall be required to sign an [Electronic Media User Agreement](#), prior to operating any City-owned or provided electronic media.

2. Separation from Service. All employees who separate from service shall return all City property and equipment used in connection with City computer systems/computers/pc's (i.e., keys, manuals, documentation) to the individual employees' supervisor prior to the last day of active employment. (See [Policy 3.11 – Separating from Service](#)).



EMPLOYEE POLICY MANUAL

Policy 8.7	Communications
<u>Effective Date</u> 1/16/09	<u>Applicable Law/Statute</u> SMC Sec. 3-3
<u>Last Amended Date</u>	

A. POLICY

1. **Communications Policy.** The City of Surprise exists to serve the public and is accountable to the public for all of its activities. Therefore, the City maintains an “open door policy” regarding the public’s right to know, examine and question the inner workings of government. When dealing with the public, employees are instructed and trained to be perceptive, proactive, positive, plain-speaking, prompt and professional. The City has adopted a detailed [Communications Policy](#), which serves as a guideline to cultivate open, honest, effective communication with the City’s various publics in order to nurture better understanding and support of City goals, programs and services.
 2. **Communications Department.** As provided in the Communications Policy, the City’s Communications Department must approve all communications intended for public distribution. In general, the role of the Communications Department is to act as a clearinghouse for outgoing mass communications and as a consultant to other City departments on media related issues. The goal is not to censor, but to coordinate, clarify and ensure continuity in messages and publications issued by the City.
 3. **Confidential Information.** All employees are responsible for protecting against the unauthorized disclosure of confidential information. “Confidential information” includes but is not limited to:
 - a. Employee’s social security numbers;
 - b. Certain information in employee personnel files (See [Policy 3.5 – Personnel Files](#));
 - c. Computer system passwords and security codes;
 - d. Information confidential under the attorney/client privilege and/or attorney work product doctrine;
 - e. Financial records;
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Policy 8.7	Communications	Last Amended
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- f. Litigation or other formal charges pending or in process and investigation of complaints; and
- g. Medical information and information designated as "Protected Health Information" under the Health Insurance Portability and Accountability Act (HIPAA).



EMPLOYEE POLICY MANUAL

Policy 8.8	Changes in Personal Information
<u>Effective Date</u> 1/16/09	<u>Applicable Law/Statute</u> SMC Sec. 3-3
<u>Last Amended Date</u>	

A. POLICY

1. **Generally.** Employees are advised to report all changes in personal information to the appropriate City department(s) in order to protect and maintain valuable employee benefits or services. It is each employee's responsibility to report changes in the following personal information as soon as possible to the Human Resources Department. Certain departments may require this information be reported through the chain of command solely or in addition to the report to Human Resources. Changes of name and address should also be reported by the employee to the ASRS.
 2. **Change Defined.** For the purposes of this section, a change in personal information includes, but is not limited to, the following:
 - a. Name change;
 - b. Address change;
 - c. Phone number change;
 - d. Marital status change;
 - e. Changes which may affect employee benefits (i.e., birth of a child, changes in dependents or beneficiaries, etc.).
 - f. Citizenship;
 - g. Selective service classification; or
 - h. Association with a government military service organization.
 3. **Police Department.** Sworn police employees are required to maintain a telephone at their place of residence and shall notify the Chief of Police through the chain of command of any change in residence or telephone number within five working days of the change.
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Policy 8.8	Changes in Personal Information	Last Amended
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B. PROCEDURE

- 1. Reporting Changes.** Employees shall report changes in personal information to the Human Resources Department in writing directly and/or through their chain of command on an [Employee Information Change Form](#). Changes of name and address also need to be provided by the employee to the Arizona State Retirement System on an [ASRS Change of Address/Name Form](#) or the Public Safety Personnel Retirement System on a [PSPRS Change of Address/Name Form](#).



EMPLOYEE POLICY MANUAL

9.1	Rules of Conduct
<u>Issued:</u> December 12, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-3

A. POLICY

1. General Expectation.

- a. Employees are expected to maintain professional demeanor at all times, follow all policies and procedures, be honest and have integrity. Employees will be held accountable for their behavior.
- b. Inappropriate work place behavior will be categorized into one of three types of offenses: Conduct, Performance and Attendance.
- c. Inappropriate workplace behavior is classified based on the severity of the unacceptable behavior: Group One Offenses are considered major or serious; Group Two Offenses are considered minor or less serious in nature.
- d. Unacceptable behavior, depending on the circumstances, may fall within one or more types or severity groups.

2. Conduct Offenses. Conduct Offenses are actions or omissions by an employee outside the performance of regular job duties. The following provides a partial list of examples of actions/omissions that would generally be Conduct Offenses, along with typical severity group.

Offenses Generally Considered Group One (Serious)
<ul style="list-style-type: none"> • Violation of EPM 7.10 - Violence in the Workplace; EPM 7.5 - Controlled Substance • Integrity violations (lying, stealing, refusing to cooperate, etc.) • Willful Time Reporting Violation • Unlawful Discrimination see EPM 3.1 - Anti-discrimination/Accommodation • Misappropriation of City Funds or resources • Misuse or destruction of public records • Knowingly concealing or withholding information which threatens the safety and security of the public, the City, its operations, or other employees • Willful disregard of orders/direction

9.1	General Rules of Conduct	Last Amended: 8/12/13
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Offenses Generally Considered Group Two (Minor)
<ul style="list-style-type: none"> • Solicitation/distribution • Political Activity (see EPM 9.4 - Political Activity) • Unauthorized entry onto City property • Conduct on or off duty which brings the City into disrepute or reflects discredit upon the individual as an employee of the City, or which impairs in the operation or efficiency of the City. • Performing private work on City time. • Negligent/Sloppy Time Reporting • Unauthorized recording (audio and/or video) of an employee during working hours.

3. Performance Offenses. Performance Offenses are the failure of an employee to timely, accurately, or sufficiently perform the functions of the position held. The following provides a partial list of examples of actions/omissions that would generally be Performance Offenses, along with the typical severity group.

Offenses Generally Considered Group One (Serious)
<ul style="list-style-type: none"> • Failure to maintain license or certification • Driving City vehicle without license • Disclosing confidential information in the course of employment • Serious misuse of City property • Unauthorized obligating City • Serious violations of Occupational Health and Safety Standards
Offenses Generally Considered Group Two (Minor)
<ul style="list-style-type: none"> • Discourteous treatment of public or fellow employee • Substandard performance • Violation of Appearance/Dress policy(see EPM 9.5 - Appearance and Dress). • Failure to comply with instructions/orders from a supervisor. • Violation of EPM 9.7 - Chain of Command/Delegation of Authority Neglect of duty, • Failure to supervise

4. Attendance Offenses. Attendance Offenses are offenses related to use of paid time off, timely reporting for duty, absence without leave/approval from a supervisor, etc. The following provides a partial list of examples of actions/omissions that would generally be Attendance Offenses, along with the typical severity group.

9.1	General Rules of Conduct	Last Amended: 8/12/13
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Offenses Generally Considered Group One (Serious)
<ul style="list-style-type: none"> • Absence without leave/Job Abandonment
Offenses Generally Considered Group Two (Minor)
<ul style="list-style-type: none"> • Tardiness, extended breaks • Unexcused absence/leaving post • Excessive unscheduled PTO • Refusal to work overtime • Failure to notify of absence/call off. • Failure to submit PTO Request Form

5. Penalties for Violations. Violations of these rules and other inappropriate behavior may result in corrective action as provided in [EPM 10.1 - Corrective Action](#). The existence of performance violations should be reflected in annual performance reviews.



EMPLOYEE POLICY MANUAL

9.2	Conflict of Interest
<u>Issued:</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> A.R.S. 38-501 to 511 SMC Sec. 3-3

A. POLICY

1. Conflict of Interest - Disclosure.

- a. Any employee who has, or whose relative has, a substantial interest in any contract with, sale to, purchase from, service for, or decision by the City must do two things:
 - i. disclose the substantial interest to the City in writing; and
 - ii. refrain from participating in any manner in the contract, sale, purchase, decision or decision making process therefore.
- b. Even if the employee is confident that they can be objective in the matter and that the public interest would not be harmed by the employee's participation, the employee must disclose the substantial interest and not participate in the matter.
- c. Any employee may supply equipment, material, supplies, or services to the City only if the contract is awarded at the City's discretion, but only after complying with procurement requirements. The employee should contact the City of Surprise Purchasing Division for a description of the competitive bidding requirements.

2. Contracts Voidable.

- a. If an employee is significantly involved in initiating, negotiating, securing, drafting, or creating a contract on behalf of the City:
 - i. The City has the right to cancel the contract if the employee is or becomes an employee or agent of any other party to the contract while the contract or any extension of the contract is in effect; and
 - ii. The City has the right to cancel the contract if the employee is or becomes a consultant with respect to the subject matter of the contract of any other
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party to the contract while the contract or any extension of the contract is in effect.

- b. For the purposes of this policy, the term "substantial interest" shall mean an interest, whether monetary or proprietary, that is more than immaterial, that is directly or indirectly held by an employee or relative of an employee.

3. Prohibited Activity.

- a. A City employee may not receive or agree to receive, directly or indirectly, compensation or other thing of value from a third party for any service rendered or to be rendered by the employee related to any matter pending with the City.
- b. A City employee may not use or attempt to use the employee's official position to secure any valuable thing or benefit that would not ordinarily accrue to the employee in the performance of official duties, if the thing or benefit is of such character as to manifest a substantial and improper influence on the employee with respect to the employee's official duties.
- c. Employees may not accept or solicit any compensation, fee, gift, discount, entertainment, or other valuable item in the course of or as a result of performing the duties of their position. Except as provided above, City employees, or their relatives, may not accept gifts or favors from, or on behalf of, any person, business, organization or group conducting or desiring to conduct business with the City.
- d. Employees may not accept or solicit any promises for individual preferential treatment in exchange for special treatment by the employee in their role within the City.

4. Gifts.

When unsolicited gifts from a third party (not the City or City employees) are delivered to a department or employee at work, and when rejection of the gift is awkward, such as Christmas/holiday gifts, the employee should:

- a. For non-perishable items (e.g., notepads, attaches', gift cards, coupons, etc.) deliver the item to Human Resources for inclusion in the employee raffles conducted by Human Resources.
- b. For perishable items (e.g., cookies, candy, etc.) put the item in the department's common area, kitchen or break room for sharing among all employees.



EMPLOYEE POLICY MANUAL

9.3	Solicitation & Distribution
<u>Issued:</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-3

A. POLICY

1. **Generally.** For the purposes of this policy “solicitation” means “an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution”, and “distribution” means “an act of distributing goods, materials, and/or written materials or literature.”
2. **Employee Solicitation.** Employees may solicit other employees in work areas which are out of the public view areas as long as:
 - a. Any solicitation does not interfere with the normal work duties of any employee.
 - b. No pressure to purchase or contribute, direct or otherwise, is made; this includes an immediate halt of any solicitation directly to an employee once the employee being solicited notifies the solicitor that the solicitation is unwanted.
 - c. Any indirect solicitation is done by leaving material, information, etc. in non-working areas such as a break room, or posting same on designated physical or electronic bulletin boards as available.
 - d. City resources, including email, is not used in solicitation unless specifically permitted in this EPM 9.3 – Solicitation and Distribution.

In addition, employees are forbidden from parking their personal vehicles on City property overnight or on weekends for the purpose of advertising same for sale.
3. **Employee Distribution.** Employees may distribute goods and written materials in work areas as long as such does not interfere with the normal work duties of any employee. No services may be delivered during work time or on City property..
4. **Announcements for Charitable Opportunity.** Charitable Community events may be announced to employees using City resources (such as email) as long as

9.3	Solicitation and Distribution	Last Amended: 8/12/13
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prior approval of the department director is obtained. Approval/denial may not be based on the charity.



EMPLOYEE POLICY MANUAL

9.4	Political Activity
<u>Issued</u> 1/16/09 <u>Last Amended Date</u> April 18, 2016	<u>Applicable Law/Statute</u> A.R.S. 9-500.14 SMC Sec. 3-3

A. POLICY

1. **Generally.** Arizona law provides:

- a. A City “shall not use its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections”.
- b. A city “may distribute informational reports on a proposed bond election as provided in section 35-454”.
- c. Nothing precludes a city “from reporting on official actions of the governing body”.
- d. City Employees “shall not use the authority of their positions to influence the vote or political activities of any subordinate employee”.
- e. “Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions”.

2. **Prohibitions.** In order to assure compliance with state law:

- a. No employee, elected official, appointed official or candidate for local office may solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any employee.
 - b. No employee or appointed official may receive campaign funds or take any part in the management, affairs or political campaign of any candidate for local election, but may exercise any other rights of a qualified elector.
 - c. No employee, appointed official or elected official of the City shall use any influence or pressure upon any employees to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.
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9.4	Political Activity	Last Amended: 04/18/16
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- d. No employee shall use, threaten to use or attempt to use political influence in securing any employment benefit or advantage.
- e. No employee, appointed official, or elected official may use City equipment such as a fax machine, telephone, email or any other City resource for campaigning purposes; work on a campaign (local, state, or national) during work hours or on City property; identify themselves as a City employee or wear a City uniform when campaigning for a any candidate. (local, state, or national).

3. Local Elections. During a local election, an employee may:

- a. Express opinions.
- b. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
- c. Display campaign signs on their property.
- d. Vote and sign nomination petitions for candidates.
- e. Display bumper stickers for a candidate as long as it is not on a City vehicle and the vehicle is parked in a legal parking space not on City property.

4. County, State and National Elections. During county, state, or national elections an employee may:

- a. Express opinions.
- b. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
- c. Display campaign signs on their property.
- d. Vote and sign nomination petitions for candidates.
- e. Display bumper stickers for a candidate as long as it is not on a City vehicle and the vehicle is parked in a legal parking space not on City property.
- f. Solicit contributions for candidates.
- g. Give their money, time and energy to candidates.
- h. Distribute official materials for candidates.



EMPLOYEE POLICY MANUAL

9.5	Appearance & Dress
<u>Issued</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-3

A. POLICY

1. **Generally.** This policy describes the City's general expectations for employees regarding personal appearance and dress. All departments shall comply with this policy unless the department has a stricter standard.
 2. **Appearance/Dress Code.** The standard of dress for employees who are not required to wear a uniform is "business casual." Appearance and clothing should be clean, neat, and considerate of the sensibilities of fellow employees. This policy contains a general overview. Examples of appropriate and inappropriate attire are included; neither list, however, is all-inclusive. No dress code can cover all contingencies so employees are required to exercise sound judgment.
 3. **Work Appropriate Appearance/Dress.**
 - a. Slacks (similar to Dockers®), dress pants, trousers, and dressy Capri's.
 - b. Dresses or skirts (mid-thigh or below);
 - c. Collared shirts, dress shirts, polo shirts, turtlenecks, sweaters, and casual shirts.
 - d. Loafers, athletic shoes, boots, flats, dress heels, and leather sandals. Closed toe and closed heel shoes are required in certain operational areas.
 - e. Employees are expected to observe proper habits of personal grooming and hygiene at all times.
 - f. Scented personal grooming products should be used with restraint, as some people are allergic to chemicals in perfume and make-up.
 4. **Unacceptable Appearance/Dress.**
 - a. Jeans, sweatpants, exercise pants, shorts, overalls, leggings, and a ny spandex or other form-fitting pants.
 - b. Mini-skirts, skorts, sun/beach dresses.
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- c. Any shirt that reveals the abdomen or low back, any spaghetti/strapless tops or t-shirts (unless worn under a blouse, shirt, jacket, or dress), shirts with logos or slogans greater than 4 square inches (unless work uniform), shirts with pictures or cartoons.
 - d. Beach/pool style flip-flops and slippers.
 - e. Hats except those required for religious tradition.
5. **Casual Days.** The last day of the work week, and other days as determined by the department director, is "casual" day. On casual days jeans (clean, non-wrinkled, with finished seams), sweatshirts, and inoffensive t-shirts are permitted in addition to all other acceptable business casual attire.
6. **Management Employees.** Management level employees are expected to know or ascertain all situations when more formal dress is expected and dress accordingly.
7. **Accommodation.** Exceptions to this policy may be requested and will be granted as required by law.

B. Procedure

1. **Accommodation Requests.** Any request for an accommodation because of an employee's race, religion, national origin, ethnicity, gender, or other protected class should be made in accordance with [EPM 3.1 – Anti-Discrimination/Accommodation](#).



EMPLOYEE POLICY MANUAL

9.6	Secondary Employment
<u>Issued</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> A.R.S. 38-503 SMC Sec.3-16

A. POLICY

1. **Generally.** Regular full-time employment by the City is considered an employee's primary occupation and takes precedence over all other occupations. Full-time employees may not have other employment which presents a conflict of interest or a time conflict. All secondary employment must be reported in accordance with this policy. The City, in its sole discretion, will determine whether or not the secondary employment presents a conflict of interest or time conflict in accordance with this policy.
2. **Conflicts.** For purposes of this policy:
 - a. A "time conflict" exists when the working hours of a secondary job directly conflict with an employee's work schedule, mandatory overtime, or emergency service obligations, if any, or when the demands of a secondary job prohibit adequate rest or otherwise negatively affect the employee's job performance.
 - b. A "conflict of interest" exists when an employee's secondary job tends or appears to compromise the employee's judgment, actions or job performance, or which conflicts with the policies, objectives or operations of the City, including but not limited to violations of [Policy 9.2 –Conflicts of Interest](#).

B. PROCEDURE

1. **Notification.** Secondary employment must be reported prior to accepting such employment by completing a [Secondary Employment Notification](#) and submitting it to the Human Resources Department after approval by the department director. The Human Resources Department will determine whether the secondary employment presents a conflict of interest or time pursuant to this policy. A copy of the Secondary Employment Notification and approval/denial will be kept in the employee's personnel file.



EMPLOYEE POLICY MANUAL

9.7	Chain of Command/Delegation of Authority
<u>Issued</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 2-148

A. POLICY

1. **Chain of Command.** To ensure organizational communication is clear, accurate, and that all employees are well informed, all employees must follow the chain of command established within their department to communicate with the organization unless otherwise expressly permitted in the EPM. For example, allegations of illegal discrimination must be reported in accordance with [EPM 3.1 – Anti-Discrimination/Accommodation](#).
2. **Communication with Council.** Employees should not communicate with council members, either directly or indirectly, regarding their employment, job performance, or management concerns. Any communication with council members beyond common pleasantries should be reported via the employee's chain of command as soon as practicable. Any employee concerns regarding their employment, job performance or management concerns should be submitted consistent with the EPM, and this policy.
3. **Delegation.** Management level employees are authorized to delegate supervisory and signing authority to subordinate employees during absences or periods of unavailability as long as such delegation is otherwise consistent with the EPM and any applicable department specific policies and procedures. Delegation of supervisory or signing authority to any employee not presently in a management level position is not permitted without department director approval.

B. PROCEDURE

1. **Delegation.** Delegation of supervisory and signing authority must be in writing, preferably by e-mail notification to the delegator's chain of command and any other persons with a need to know (e.g., Human Resources, Payroll, etc.), should at a minimum contain the following:
 - a. Position and person to whom authority is being delegated;
 - b. Time period of delegation;
 - c. A description of and any limits on authority being delegated; and
 - d. Whom to contact in emergency.



EMPLOYEE POLICY MANUAL

9.8	Grievance /Complaint - NEW
<u>Issued:</u> August 5, 2013 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-40 SMC 3.80

A. POLICY

1. **Generally.** The City’s grievance procedure provides a process for employees to voice complaints or concerns about specific issues related to their employment with the City. The objective is to improve employee-management relations through a prompt and fair method of resolving issues at the lowest possible level. The grievance process must be characterized by fairness, frankness, courtesy, and respect for the dignity of each individual involved.
2. **Applicability.** The process outlined in this *EPM 9.8 – Grievance/Complaint* is to be followed any time a complaint or allegation is made involving an employee, appointed official, or council member, except as otherwise stated in this policy. This policy applies to violations of the EPM, CM Directives, City Code, State or Federal law. This EPM 9.8 – Grievance/Complaint does not apply to the review of corrective action; see [EPM 10.4 – Corrective Action Review](#).
3. **Eligibility.** Any employee, regardless of classification or status, may file a grievance or complaint under this policy. Employees are encouraged to informally discuss employment concerns with their immediate supervisor to resolve issues at the lowest level possible.
4. **No Retaliation.** Employees have the right to file a grievance without prejudice and shall not be subjected to corrective action, harassed, or otherwise unfairly dealt with as a result. Any act of retaliation may be grieved pursuant to this policy.

B. PROCEDURE

1. **Informal Resolution.** Employees are encouraged to attempt resolution of issues at the lowest possible level, that is with the supervisor or individual involved, or through the employee’s chain of command if possible. Any allegation involving illegal discrimination or violation of [EPM 3.1 – Anti-Discrimination/Accommodation](#), whether verbal or otherwise, must be reduced to writing either by the employee or the individual to whom the issue is raised consistent with [EPM 3.1 – Anti-Discrimination/Accommodation](#).

2. Formal Grievance, Generally. If informal resolution is inadequate or unsuccessful, any employee may take formal action consistent with this policy.

- a. Step Process. The formal grievance process is derived from a series of steps, described more specifically below, that begin with the receipt of a written grievance which will be evaluated to determine the appropriate method of handling the grievance.
- b. Representation. When the grievance process includes conciliation or similar meetings, the employee who submitted the grievance may have a fellow employee as a witness. This employee representative may attend any meetings for observation only, but may not participate. An employee representative must be a non-supervisory employee and may not be an attorney.
- c. Pay/Expenses. Time spent by any employee attending any meeting required by the grievance process will be considered working time in accordance with [EPM 4.10 – Working Time](#).
- d. Time Limits. The grievance process is intended to resolve issues and concerns as soon as possible. It is therefore important that if an employee does not believe that the issue grieved has been resolved, the employee elevate the grievance to the management engagement step within the timeline set forth in the process. If a grievance is not timely elevated, the grievance will be assumed to be resolved.
- e. Reporting. An employee must bring the matter to be aggrieved to the attention of the employee's chain of command for informal resolution, or file a formal grievance under this policy within 21 calendar days of the event giving rise to the grievance/complaint.

3. Formal Grievance, Procedure.

- a. Step 1 – Written Complaint. The grievance process begins with the submission of a written grievance by using the [Grievance Form](#) to the Human Resources Department. Grievances/complaints involving Human Resource Staff can be directed to the City Manager. Grievances/complaints involving the City Manager can be directed to the City Attorney. Any allegation involving illegal discrimination or violation of [EPM 3.1 – Anti-Discrimination/Accommodation](#), whether verbal or otherwise must be reduced to writing consistent with [EPM 3.1 – Anti-Discrimination/Accommodation](#).
- b. Step 2 – Evaluation. The Human Resources Department will evaluate the grievance and determine whether or not the matter falls within this [EPM 9.8 – Grievance/Complaint](#). Any grievance alleging a serious violation of City policy/procedure, illegal discrimination, or a Whistleblower complaint will be diverted from the grievance process to an investigation pursuant to [EPM 10.2 – Administrative Investigations](#) consistent with [EPM 3.1 – Anti-](#)

- [Discrimination/Accommodation](#), [EPM 10.1 – Corrective Action](#), and Municipal Code §3-80 Whistleblower. If the matter is properly a grievance, the matter will be scheduled for Step 3 Conciliation within two calendar weeks from the receipt of the grievance.
- c. Step 3 – Conciliation. The goal of the Conciliation Step is to provide an opportunity for all parties involved to understand the issues, and develop a way to resolve the issues/matter constructively and in a cooperative manner. This may involve the employee’s co-workers, supervisors, or third party vendors coming together to work through the issues/matter presented. Human Resources will assist the department management and employee to identify the relevant parties, provide a neutral location and any other assistance requested. Resolution may involve referral to EAP, additional training, team building, or similar activity. Any plan developed and agreed to by the individuals involved will be reduced to writing and will include a time line for reevaluation. If Conciliation is unsuccessful (that is no resolution or plan can be identified), or if the plan agreed to as part of Conciliation does not resolve the issues (the plan is not reevaluated as identified in the plan or reevaluation demonstrates a failure to resolve the issues), the employee may elevate the grievance to Step 4 – Senior Management Engagement within two weeks.
- d. Step 4 – Senior Management Engagement. The Senior Management Engagement Step involves the City Manager’s Office to assist in the resolution of the issues presented. The City Manager will review the Conciliation plan (if available), will meet with the individuals involved to explore why the conciliation was unsuccessful, and will resolve the issue/s as appropriate within two weeks. The action taken by the City Manager will be final and is not subject to further review.



EMPLOYEE POLICY MANUAL

10.1	Corrective Action
<u>Issued:</u> December 1, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> A.R.S. 39-128 SMC Sec. 3-40

A. POLICY

1. **Purpose.** The City's use of corrective action is intended to provide each employee the opportunity to correct unacceptable behavior using the lowest reasonable degree of supervisor intervention.

2. **Definitions.**

- a. "Corrective action" includes but is not limited to the actions of documented oral counseling, written reprimand, suspension, demotion and termination of employment.
- b. "Non-disciplinary corrective action" refers to oral counseling and written reprimand.
- c. "Disciplinary corrective action" refer specifically to any corrective action that has a financial impact on the employee such as suspension, demotion or termination.

3. **Coaching and Counseling.** The City expects frequent, meaningful, and positive exchanges between employees and supervisory personnel. Coaching is positive employee feedback, encouragement, and constructive suggestions on how to do the job better and/or faster. Counseling utilizes critical analysis intended to identify areas that need improvement and should equip employees with strategies, training, and experience to better perform their job or avoid conduct violations. Records of coaching and counseling should be maintained in the notes feature of the City's Goal Performance System (GPS).

Coaching and Counseling should be attempted for all Group Two Offenses, and corrective action used only if such attempt has failed to improve performance, correct misconduct, or stop attendance issues.

4. **Corrective Action Principles.** The following principles apply to the corrective action of all employees of the City:

- a. Employees will be advised generally of acceptable behavior and the normal consequences for unacceptable behavior.
- b. Infractions will be addressed in a timely manner.
- c. Infractions will be documented appropriately.
- d. All supervisory personnel are responsible to hold subordinate employees accountable for performance, conduct and attendance.

5. Records of Corrective Action. All original records of corrective action must be maintained in the employee's personnel file in the Human Resources Department. Supervisory personnel administering corrective action are responsible to double check the corrective action history prior to giving additional corrective action to assure appropriate corrective action progression under this policy and to assure a copy of any corrective action given is delivered to Human Resources by the end of the business day following delivery to the employee.

6. Notice of Expectation. Employees are notified of standards of behavior through a variety of means, including:

- Job Description
- The Employee Policy Manual
- City Manager Directives
- New Employee Orientation
- Department Specific Policies And Procedures
- Department's Orientation
- Employee Training
- The City's Intranet Site
- Performance Evaluations
- Coaching/Counseling
- Corrective Action
- Supervisor Direction

7. Just Cause Discipline. Classified employees who have successfully completed their Trial Period may only be disciplined for just cause. "Just cause" is a burden or standard of proof that the City must meet in order to support the disciplinary corrective action of a classified employee. In order to sustain the disciplinary corrective action of a classified employee, the following criteria must be met:

- a. The employee knew or reasonably should have known that the employee's conduct could lead to disciplinary action; Management conducted a fair and objective investigation in accordance with City policy and the law;
- b. The investigation produced sufficient evidence or proof to reasonably support the failure of performance or violation as alleged;
- c. The disciplinary action taken was consistent with disciplinary action for similar or comparable conduct, or was otherwise reasonable under the circumstances.

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d. The disciplinary action is the result of job performance, violation of law, violation of established city policy or procedure, and/or a violation of established department policy or procedure;

8. Progressive Corrective Action. Progressive Corrective Action is a philosophy that an employer will use the lowest level of corrective action likely to correct the unacceptable behavior. Each subsequent offense within the same category (Conduct/Performance/Attendance) that merits corrective action will increase in the severity of the corrective action imposed until the unacceptable behavior is corrected or the employee is terminated from employment.

9. Multiple Offenses - Treatment. Employee behavior that results in more than one offense may result in the severity of the offenses being raised (Group 2 offense becomes a Group 1 offense, for example). This may result in an increase in the severity of the corrective action imposed. Additionally, employee behavior that results in more than one type of offense (Conduct/Performance/Attendance) will be considered related for purposes of Progressive Corrective Action.

10. Corrective Action:

a. **Group One Offenses.** Group One Offenses are the most serious offenses and will result in disciplinary action. The following Group One Offenses will result in termination from employment.

- **Theft;**
- **Failure/refusal to cooperate in an investigation;**
- **Serious violation of OSHA standards; and**
- **Violence in the Workplace involving physical contact, threatened physical contact, or the display of a weapon.**

b. **Group Two Offenses.** Group Two Offenses are less serious/minor offenses and will usually result in corrective action as follows:

FIRST OFFENSE - Documented oral counseling

SECOND OFFENSE - Written reprimand

THIRD OFFENSE - Disciplinary action

c. Disciplinary corrective action must comply with [EPM 10.2 – Administrative Investigations](#). All Corrective Action is subject to review consistent with [EPM 10.4 – Corrective Action Review](#), including review prior disciplinary corrective action.

d. **Role of Coaching/Counseling.** Corrective Action for Group Two Offenses should not be used unless coaching and counseling has been attempted and

has been unsuccessful. This is true even if the employee has already received Corrective Action for a prior offense in the same category. Consider the following example:

Smith is a groundskeeper and is frequently rude to his co-workers. His supervisor meets with him several times about the issue, but Smith does not change the behavior. Smith receives a documented oral counseling. Six months later, Smith begins showing up for work with dirty, torn and unkempt clothes. His supervisor meets with him several times about the issue, and the coaching works for a few weeks, but then Smith again begins to show up to work in dirty clothes. The appropriate level of corrective action would be a written reprimand because the unkempt clothes is the second performance based group two offense during the term of force and effect and coaching/counseling has not resolved the issue.

- e. Treatment of a Group 2 Offense after a Group 1 Offense. When a Group 1 Offense results in disciplinary corrective action less than termination, that offense is considered the “first offense” within the type (Performance, Conduct or Attendance). Any subsequent offense within the same type will be considered the “second offense” for purposes of progressive corrective action. For example, a Group 1 Conduct Offense that results in a 20 hour suspension followed six months later by a Group 2 Conduct Offense would result in a Written Reprimand.

11. Force and Effect. Each record of corrective action shall remain in force and effect for progressive corrective action purposes as follows:

- i. Documented Oral Counseling - 12 months from issuance
- ii. Written Reprimand - 24 months from issuance
- iii. Suspensions without pay, demotions, and reductions in pay - 36 months from issuance

Thereafter, each record of corrective action shall cease to have force and effect for progressive corrective action purposes, provided no intervening corrective action occurs during the 12, 24 or 36 month period following the respective corrective action. Note: Corrective action notices which no longer have force and effect for corrective action purposes may be required to be kept in accordance with public records law.

B. PROCEDURE

1. Supervisors must:

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- a. Record all coaching and counseling efforts in the notes feature/tab of GPS;
- b. Verify any Corrective Action in force and effect prior to issuing any Corrective Action;
- c. Comply with [EPM 10.2 – Administrative Investigations](#), where applicable;
- d. Use the [Notice of Corrective Action \(NOCA\) Form](#) for all corrective action taken;
- e. Comply with the review process outlined in [EPM 10.4 – Corrective Action Review](#); and
- f. Deliver the signed NOCA to the Human Resources Department for inclusion in the employee’s personnel file.

Supervisors are strongly encouraged to work with the Human Resources Department to assure compliance with all aspects of City policy related to corrective action.



EMPLOYEE POLICY MANUAL

10.2	Administrative Investigations
<u>Issued:</u> December 1, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-3; 3-80 et seq. A.R.S. 38-1101 et seq.

A. POLICY

1. **Generally.** Any allegation of action or inaction by a classified employee that, if proved, could result in disciplinary action must be investigated by an authorized party in accordance with this policy. All investigations must be fair and objective and must result in written findings as set forth in this policy.
2. **Applicability.** This policy applies to all administrative investigations of claims of illegal discrimination (see also [EPM 3.1 Anti-Discrimination](#)); whistleblower complaints (see Municipal Code §3-80 et seq.); and allegations of conduct, performance or attendance for which disciplinary action may result (see [EPM 9.1 – Rules of Conduct](#)).
3. **Authority.** The following individuals are authorized to conduct investigations under this policy, consistent with [EPM 3.1 Anti-Discrimination](#), [EPM 9.1 – Rules of Conduct](#), and Municipal Code §3-80 et seq: Management level employees, the Human Resources Director (or designee), the City Attorney (or designee), or a third party retained at the direction of either the City Manager or City Attorney.
4. **Exception.** Corrective Action Investigations of Police Department employees conducted by the Professional Standards Unit, as authorized by the Chief of Police, are not bound by the provisions of this policy but rather must adhere to the statutory requirements of investigations of law enforcement officers as described in Ariz. Rev. Stat. 38-1101 et seq.
5. **Administrative Investigations.** The purpose of an administrative investigation is to establish the facts necessary to determine whether or not there has been a violation of policy, procedure, or law. An investigator has the authority to obtain any document or information necessary to fulfill the obligations of the investigation including obtaining, email, video, electronic data, or other records available to the City or employee’s personal documents/records; to conduct interviews as deemed appropriate by the investigator; and to require the employee to submit to examination where allowed by law.

6. Administrative Interview. An "administrative interview" means a formal interview conducted in order to determine whether or not a factual basis exists for the allegations being made. cursory inquiries done to determine whether or not an investigation is appropriate is not an "administrative interview" under this policy. Casual or "shop floor" conversations between an employee and supervisor, even if such involves questioning by the supervisor, that creates no reasonable expectation of disciplinary action are not "administrative interviews" under this policy.

a. Prior Notice.

- i. Prior to an administrative interview, the employee to be interviewed will be informed in writing of the intent to conduct the interview which must include the general nature of the matter under investigation, the right (if applicable) to have a representative present at the interview, and the potential of disciplinary action against the person being interviewed.
- ii. The employee's supervisor, department director and other City management employees, as appropriate, will be notified of the intent to conduct an interview.
- iii. Should information be discovered during the course of an administrative interview that could form the basis of disciplinary action separate from the matter being investigated, no new notice is required under this section.
- iv. The notice is not required to include any information that the investigator believes would impede the investigation.

b. Classified employees wishing to have a representative present during an administrative interview must select a fellow, non-supervisory, non-attorney City employee who is available on reasonable notice so that the interview is not unreasonably delayed. The representative is allowed to be present only to observe and will not participate in the interview. No employee may be subject to corrective action or retaliated against for requesting or serving as a representative of another employee during an administrative interview. Attendance at an administrative interview by an employee is considered Working Time ([See EPM 4.10 – Working Time](#)).

c. Any employee interviewed during an administrative investigation is expected to provide complete and truthful answers. Failure of an employee to provide complete and or truthful answers will result in immediate termination in accordance with [EPM 10.1- Corrective Action](#). Any information provided during an administrative investigation may not be used in any subsequent criminal proceedings against the employee. The City reserves the right to use the interview in any civil action or to defend the City, its officers, agents and employees from any action or claim.

- d. Interviews conducted pursuant to this policy are confidential. No employee interviewed or serving as a representative may disclose that an interview occurred, or the nature, content, questions or information provided during an interview. Confidentiality under this section does not apply to communications with the employee's personal attorney, any investigator authorized under this policy, or the employee's spouse, or where otherwise limited by law.

7. Investigative Report. At the conclusion of the investigation, the investigator must prepare a written report that shall:

- a. Identify the policy, rules, regulations, orders or directives the violation of which was alleged.
- b. Identify the relevant facts supported by the investigation/record, and that portion of the investigation/record that supports the determination of fact.
- c. Identify any violations of policy, rules, regulations, orders or directives reasonably supported by the facts determined by the investigation, including any that were not included in the original allegations.
- d. Make one of the following findings with regard to each allegation:
 - i. Not Sustained: The investigation established insufficient evidence or proof that the violation occurred.
 - ii. Sustained: The investigation established sufficient evidence to prove the violation occurred and that the individual named was responsible / culpable.
 - iii. Sustained Other: The sustaining of a violation alleged other than an allegation contained in the original complaint.

8. Non-Compliance. The failure of an investigator to comply with any provision of this EPM 10.2 – Administrative Investigations does not negate any corrective action substantiated by the investigation.

B. PROCEDURE

1. **Human Resources Involvement.** Supervisors are strongly encouraged to work with the Human Resources Department to assure compliance with all aspects of City policy related to disciplinary action.
2. **Notice.** Prior Notice to an employee required by this policy must be given using the [Investigatory Interview Notice](#) Form.
3. **Representation.** If the employee requests a representative employee, the Hearing Officer should present a copy of the Representative Notice Form to the employee representative for signature prior to the Pre-Disciplinary Conference and provide the original to Human Resources with a copy of the decision.

4. **Investigation Report.** Except those reports prepared by a third party investigator at the direction of the City Manager or City Attorney, all reports must be prepared using the [Report/Notice of Corrective Action Form](#).



EMPLOYEE POLICY MANUAL

10.3	Pre-Disciplinary Conference
<u>Issued</u> January 16, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> SMC Sec. 3-40

A. POLICY

1. **Generally.** Classified employees may only be disciplined for just cause. See [EPM 10.1 – Corrective Action](#). Prior to issuing disciplinary action, the classified employee will be given an opportunity to present, at a “pre-disciplinary” conference, information and testimony the employee feels is relevant to the matter being considered. Non-classified employees subject to discipline will not be offered a “pre-disciplinary” conference.
2. **Investigation Requirements.** Prior to a pre-disciplinary conference, an investigation must be conducted in accordance with [EPM 10.2 – Administrative Investigation](#).
3. **Notice.** Prior to the pre-disciplinary conference, the employee will be provided a copy of the investigation report, and informed in writing of the right to have a representative present, and the potential of disciplinary action.
4. **Representative Employee.** Classified employees wishing to have a representative present during a “pre-disciplinary” conference must select a fellow, non-supervisory non-attorney City employee who is available on reasonable notice so that the conference is not unreasonably delayed. The representative is allowed to be present only to observe and will not participate in the conference. No employee may be subject to corrective action or retaliated against for requesting or serving as a representative of another employee during a conference. Attendance at a Pre-Disciplinary Conference by an employee is considered Working Time ([See EPM 4.10 – Working Time](#)).
5. **Hearing Officer.** Pre-disciplinary conferences will be conducted by the employee's department director or designee.

B. PROCEDURE

1. **Notice.** Notice of the pre-disciplinary conference will be given using the [Notice of Pre-Disciplinary Conference Form](#).
2. **Attendance.** The employee may:

- a. Appear at the conference, with or without a representative, to present an oral or written statement in the employee's defense; or
 - b. Elect in advance in writing to waive the pre-disciplinary conference.
- 3. Employee's Responsibilities.** At the conference the employee may present any testimony, witnesses, or documents which explain whether or not the alleged misconduct occurred. The employee must provide a list of witnesses to the Hearing Officer as far in advance as possible, but not later than one hour prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired.
- 4. Representation.** If the employee requests a representative employee, the Hearing Officer should present a copy of the [Representative Notice Form](#) to the employee representative for signature prior to the Pre-Disciplinary Conference and provide the original to Human Resources with a copy of the decision.
- 5. Decision.** After the completion of the conference, the Hearing Officer will make a determination with regard to whether or not corrective action is appropriate consistent with [EPM 10.1 – Corrective Action](#) and will complete a [Notice of Corrective Action \(NOCA\) Form](#). The original form shall be provided to the employee, with a copy to the Human Resource Department for inclusion in the employee's personnel file.



EMPLOYEE POLICY MANUAL

10.4	Corrective Action Review
<u>Issued:</u> January 16, 2009 <u>Last Amended Date</u> November 04, 2013	<u>Applicable Law/Statute</u> A.R.S. 38-1101 et. Seq. SMC Sec. 3-40

A. POLICY

1. **Generally.** This procedure provides a process for employees to have corrective action reviewed to assure compliance with the EPM and City Code. The objective is to improve employee-management relations through a prompt and fair method of resolving employee conduct, performance and attendance issues.
2. **Eligibility.** All corrective action of any classified employee who has successfully completed the trial period is subject to review under this policy.
3. **Automatic Review.** Upon submission of corrective action to the Human Resource Department as required by [EPM 10.1 – Corrective Action](#), Human Resource staff will review the action to assure compliance with [EPM 9.1 – Rules of Conduct](#) and [EPM 10.1 – Corrective Action](#). This Review will be limited to assure that the action accurately identifies the type and group of the offense and that the corrective action complies with the principles of progressive corrective action set forth in [EPM 10.1 – Corrective Action](#).
4. **Request for Review.**
 - a. Any classified employee who believes corrective action has been administered inconsistent with either [EPM 9.1 – Rules of Conduct](#) or [EPM 10.1 – Corrective Action](#) may request review to assure compliance by submitting a [Request for Review Form](#). The request must contain an explanation of why the employee believes the corrective action is inconsistent with either [EPM 9.1 – Rules of Conduct](#) or [EPM 10.1 – Corrective Action](#). The factual basis or validity of the policy violation for which non-disciplinary corrective action was issued is not subject to review.
 - b. A Request for Review of Disciplinary Action will result in the scheduling of a Review Conference. The Review Conference is an informal meeting between the City Manager or designee and the employee that provides the employee an opportunity to present documents, evidence, and testimony in support of the employee’s contention that the discipline was administered without “just

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cause” as required by [EPM 10.1 – Corrective Action](#) and City Code. Failure of an employee to attend the Conference will result in the Request for Review being dismissed.

- c. Requests for Review must be submitted to the Human Resource Department no more than five business days after the Notice of Corrective Action is given to the employee.

- 5. **Personnel Appeals Board.** Discipline of a classified employee may be eligible for appeal to the Personnel Appeals Board, see [EPM 10.5 – Discipline Appeals](#).

B. PROCEDURE

- 1. **Review by Human Resources/Automatic or Upon Request.** Human Resource staff will review all corrective action to assure compliance with [EPM 9.1 – Rules of Conduct](#) and [EPM 10.1 – Corrective Action](#) within two work days of receiving either a copy of the corrective action from the issuing supervisor or a Request for Review from an employee. Review will be limited to assure that the action accurately classifies the type of offense (Performance, Conduct or Attendance), accurately identifies the applicable severity/group of the offense (Group 1 or 2) and that the corrective action complies with the principles of progressive corrective action set forth in [EPM 10.1 – Corrective Action](#). If the corrective action does not comply with [EPM 9.1 – Rules of Conduct](#) and [EPM 10.1 – Corrective Action](#), Human Resource staff will move to correct any deficiencies including modifying or rescinding the Notice of Corrective Action. The Automatic Review must be done **prior** to the enforcement of any disciplinary action.
- 2. **Request for Review, Disciplinary Corrective Action.** Upon receipt by Human Resources of a Request for Review of disciplinary corrective action, Human Resource staff will schedule a Review Conference between the employee and the City Manager or designee. The Review Conference will be scheduled no more than ten business days after receipt of the Request for Review.
- 3. **Review Conference.**
 - a. Failure of an employee to attend the Review Conference will result in the Request for Review being denied.
 - b. The employee may have a non-management, non-attorney employee representative attend and observe the Conference. The employee representative may not participate in the conference in any way.
 - c. Time spent attending the conference by any employee is considered Working Time in accordance with [EPM 4.10 – Working Time](#).

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- d. It is the employee's responsibility to notify any witnesses the employee intends to have attend and provide evidence during the Conference, and to inform the City in advance of any witnesses who will testify. Witnesses may be present only while actually providing testimony.
- e. The City Manager (or designee) will issue a written decision within 2 calendar weeks following the close of the Conference or materials submitted as a result of the Conference, whichever is later. If the corrective action does not comply with principles of "just cause" as set forth in [EPM 10.1 – Corrective Action](#) and City Code, the City Manager (or designee) will direct Human Resource to correct any deficiencies including modifying or rescinding the Notice of Corrective Action.
- f. Following the written decision by the City Manager (or designee) any and all appeals to the PAB must be filed with the Human Resources Director no more than 10 business days following the issuance of the Corrective Action Review decision, as required by EPM 10.4, Corrective Action Review.



EMPLOYEE POLICY MANUAL

10.5	Discipline Appeals
<u>Issued</u> January 15, 2009 <u>Last Amended Date</u> August 12, 2013	<u>Applicable Law/Statute</u> ARS 38-431.01 SMC Sec. 2-295, 2-296, 3-40, 3-41

A. POLICY

1. **Personnel Appeals Board.** The Personnel Appeals Board (PAB) is a City Council appointed board created to review specific types of disciplinary action of classified City employees to assure that no discipline is issued to classified employees without just cause. The PAB is made up of seven members, five of whom sit on a panel to hear any appeal of discipline.
2. **Eligibility.** Discipline of Suspension of 24 hours or more, demotion, or termination may be appealed to the Personnel Appeals Board only after review by the City Manager or designee pursuant to [EPM 10.4 – Corrective Action Review](#). No other forms of corrective action may be appealed to the PAB.
3. **Hearing.** Appeals of discipline are reviewed by the PAB in a formal hearing in which five members of the PAB serve as hearing officers. The decision of the PAB is made by a majority vote of the hearing officers. The PAB has established the rules by which hearings are conducted which can be accessed [here](#).
4. **Burden of Persuasion.** The City is obligated to establish that just cause was satisfied by a preponderance of the evidence (it is more likely than not). The PAB does not have the authority to substitute its own determination for that of the City, but reviews the discipline to assure that:
 - a. The employee knew or reasonably should have known that the conduct could lead to disciplinary action;
 - b. Management conducted a fair and objective investigation in accordance with City policy and the law;
 - c. The investigation produced sufficient evidence or proof to reasonably support the failure of performance or violation as alleged;
 - d. The disciplinary action was the result of job performance, violation of law, violation of established City policy or procedure, and/or a violation of established department policy or procedure; and

- e. The disciplinary action taken was consistent with disciplinary action for similar or comparable conduct, or was otherwise reasonable under the circumstances.
- 5. Decisions.** The decision of the PAB will be reduced to writing and copies provided to the Human Resources Director, employee and the City Manager.
- 6. Authority of City Manager.** If the PAB determines that the City has failed to satisfy the elements of just cause, the City Manager has 10 business days to review the decision and issue alternative corrective action. The City Manager may, for example, require additional training, implementation of an improvement plan, or reduced discipline. Any alternative corrective action must comply with [EPM 9.1 – Rules of Conduct](#) and [10.1 – Corrective Action](#) and is subject to appeal consistent with this [EPM 10.5 – Disciplinary Appeals](#). Corrective action amended by the City Manager under this section that is either not appealed, or that is ineligible for appeal is final and binding on the employee.
- 7. Back Pay and Restoration of Benefits.** If the ultimate decision after appeal results in a lesser discipline than that originally appealed by the employee, the employee will receive, as applicable:
- Back pay for that portion of a separation/unpaid suspension reversed, contingent upon the employee making full disclosure of any and all earnings received during the separation, which will offset against back pay. In the event the employee refuses or fails to provide such information, the employee forfeits any back pay otherwise payable under this section.
 - Restoration and retroactive application of City benefits, including City service credit, PTO, health benefits, premium pay, retirement contributions and deductions.
- 8. Attorney Representation.** The City will be represented in all matters before the PAB by the City Attorney's Office. Employees appealing disciplinary action to the PAB may, at the employee's sole cost and expense, retain an attorney to represent the employee in matters before the PAB. Each party must bear that party's costs incurred in the appeal, including attorney's fees, witness fees, and other costs.
- 9. Witnesses.** Any time spent by an employee testifying in a matter before the PAB will be considered Working Time consistent with [EPM 4.10 – Working Time](#). Any other time spent by witnesses at the hearing, other than the employee appealing discipline, will not be considered working time. No time spent by a terminated employee appealing the termination will be considered working time unless the PAB reinstates employment.

B. PROCEDURE.

1. **Appeals.** Employees who are eligible to appeal disciplinary corrective action may do so by following the procedures set by the Personnel Appeals Board, which can be accessed [here](#).
2. **Back Pay Calculation.** Back pay will be computed on the basis of the employee's regularly scheduled hours of work including premium pay but shall not include any overtime that the appellant might have earned (except regularly scheduled overtime of 2912 fire employees), even if the employee regularly worked overtime.
3. **Benefit Reimbursement.**
 - a. **Health Insurance.** A reinstated employee will have health coverage restored retroactive to the date of separation. Any moneys expended by the employee that would have been covered by the Plan will be reimbursed either by refund after submitting the expenditures through the Plan, or by the City should the resubmission not fully refund covered expenses. The employee will be responsible for paying the amount of employee contributions that would have been incurred had the employee been in service during the period of separation.
 - b. **PTO.** PTO cashed and paid out to the employee at the time of separation will not be restored to the employee upon reinstatement. The PTO balance will be adjusted to reflect PTO that would have accrued had the employee been continuously employed in accordance with the terms of the reinstatement.
4. **Pay Adjustments.** Upon reinstatement, an appellant's salary will be adjusted to reflect any COLA and/or any other increases that would have been received had the appellant not been separated.