

RESOLUTION NO. 10037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CITY OF MESA PERSONNEL RULES."

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

That certain document dated June 20, 2012 and entitled "CITY OF MESA PERSONNEL RULES," three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record pursuant to A.R.S. §9-802.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 21<sup>st</sup> day of May 2012, 2012.

APPROVED:

\_\_\_\_\_  
Mayor



ATTEST:

\_\_\_\_\_  
City Clerk



**CITY OF MESA**

**PERSONNEL RULES**

**EFFECTIVE DATE**

**~~AUGUST 1, 2010~~**

**JUNE 20, 2012**

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4/25/12

THE PERSONNEL RULES BOOK  
IS A HANDBOOK AND NOT A CONTRACT OF EMPLOYMENT.

IT IS SUBJECT TO CHANGE  
AT THE DISCRETION OF THE MESA CITY COUNCIL.

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## CHAPTER 1: GENERAL

### SECTION 110. DEFINITIONS

The following words and phrases used in these Rules have the defined meanings unless otherwise clearly indicated by the context.

**Administrative Leave** - Management-directed **TIME OFF** leave with pay for an employee that is not charged against the employee's **PAID TIME OFF CATEGORIES** ~~leave bank~~.

**Alcohol** - Includes Brandy, Whisky, Rum, Tequila, Mescal, Gin, Wine, Porter, Ale, Beer, any Malt Liquor, Malt Beverage, Absinthe, or compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent ( $\frac{1}{2}$  of 1%) of alcohol by volume.

**Anniversary Date** - The date on which an employee's eligibility for ~~benefits~~ **PAID TIME OFF ACCRUALS** is based.

**Announcement** - The public notice of examination to fill positions by open competition, or the notice to employees of an examination to fill positions from within the City.

**Applicant** - A person who has filed a valid application for employment.

**Appointment** - The placement of a qualified individual (following examination or other evidence of competence) in ~~either an classified or~~ at-will position.

**At-will Employee** - An at-will employee (previously referred to as unclassified) is not protected by the merit system, serves at the will and pleasure of the City, and may be dismissed at any time, with or without cause and without right of appeal. Such employees include part-time employees, seasonal employees, temporary **PROJECT** employees, grant funded employees, employees on initial City probation, and generally, but not exclusively, those serving in administrator-level positions and above. (See Human Resources for a complete list.) The City Manager has the discretion to designate positions as at-will when they become vacant. Dismissal of at-will employees other than part-time, seasonal, temporary, and employees on initial City probation, shall require the approval of the City Manager or Assistant City Manager. Termination of service or assignment by sworn employees in designated at-will positions will be in accordance with public safety at-will procedures approved by the City Manager. At-will employees are protected by state and federal employment anti-discrimination laws.

**Benefited Part-Time Employee** - An employee who is budgeted to work a minimum of forty (40) hours per pay period on a **FISCAL** year-~~round~~ basis (fifty-two [52] weeks per year) and is eligible for regular part-time benefits. A benefited part-time employee is at-will. (See Management Policy 320 - Benefited and Non-Benefited Part-Time Employee Benefits)

**Candidate** - An applicant who has successfully completed the selection process and is being considered for employment.

**City Manager Designee** - For purposes of these rules, a "City Manager designee" includes but may not be limited to: Assistant City Manager, Police Chief, Fire Chief, City Attorney, City Magistrate, City Clerk, City Auditor, and Assistant to the City Manager. The City Manager may designate other positions as such when deemed appropriate.

**Classification - (Class)** A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title and the same pay range apply to each position in the group.

**Class Title** - The designation given to a class, each position allocated to the class, and to the occupant of each position.

**Classified Employee** - All City employees in designated classified positions who have passed an initial regular employment probation period.

**Classified Position** - A position with a designated initial regular probationary period.

**COMPONENTS OF PAY - EXTRA COMPENSATION GIVEN TO AN EMPLOYEE WHO HAS ADDITIONAL AND/OR SPECIALIZED KNOWLEDGE, SKILL AND ABILITY THAT MEETS THE CITY'S REQUIREMENTS FOR SUCH EXTRA COMPENSATION (FOR EXAMPLE: BI-LINGUAL COMPENSATION, HAZARDOUS MATERIALS, TOXICOLOGY PARAMEDIC, ADVANCED LIFE SUPPORT ETC.).**

**Contract Worker** - An individual who is not employed by the City of Mesa and has been retained to perform services for the City under a contractual agreement and is left free to do the contracted work and to choose the method for accomplishing it.

**Corrective Action Plan** - A written plan that alerts an employee about a performance problem and provides a period of time to correct the performance problem. The plan outlines the supervisor's performance expectations, steps to be completed by the employee, and warns the employee of the potential consequences for failing to complete the plan successfully. A corrective action plan is signed by the employee, or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Criteria-Based Promotion** - The advancement of an employee from one class to another class (with a higher maximum pay range) in a class series based on pre-approved criteria, without a competitive examination. In most instances, the class eligible for a criteria-based promotion will be a trainee or entry-level position not yet functioning at a "full performance" level. Full performance includes the ability to perform journey-level duties in a class that requires independence and/or duties with a higher level of difficulty. (See Management Policy 343 - Criteria-Based Promotions)

**CRITICAL CITY SERVICES PERSONNEL - ALL NON-SWORN EMPLOYEES IN CLASSIFICATIONS WHERE THE NUMBER OF EMPLOYEES AVAILABLE TO PERFORM THE FUNCTION IS LIMITED (MINIMUM STAFFING); THE FUNCTION REQUIRES SPECIALIZED SKILLS; OR FAILURE TO PERFORM THE FUNCTION MAY HAVE SERIOUS CONSEQUENCES.**

**Days** - Calendar days unless otherwise stated.

**Demotion** - Considered the fourth (4<sup>th</sup>) level of formal discipline as per Section 810 of the Personnel Rules. Demotion is the movement of an employee from one (1) class to another class having a lower maximum rate of pay. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Department** - A major unit of the City government.

**Department Director** - The City employee responsible for the operation of a department.

**Disciplinary Probation** - Considered the second (2<sup>nd</sup>) level of formal discipline. In accordance with the Personnel Rules, Section 540 F, an employee may be placed on disciplinary probation for violations of the Standards of Conduct listed in Section 510 of the Personnel Rules. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Dismissal** - Considered the fifth (5<sup>th</sup>) level of formal discipline as per Section 810 of the Personnel Rules. Dismissal is the separation of an employee from City of Mesa employment for cause.

**Division** - A unit of a department.

**Dock Days** - ~~STATUS - Days without pay~~ **UNPAID TIME AWAY FROM WORK**

**Drugs** - Includes prescription-only drugs, marijuana, peyote, dangerous drugs, narcotic drugs, vapor releasing substances containing a toxic substance or a controlled substance, all as defined by the laws of the state of Arizona.

**EFFECTIVE HOURLY RATE (EFFECTIVE RATE OF PAY) - THE EMPLOYEE'S BASE HOURLY RATE OF PAY (PAY RANGE AND STEP).**

**Elimination Period** - A waiting period for the short-term disability benefit.

**ESSENTIAL PERSONNEL - SWORN FIRE AND POLICE EMPLOYEES IN CLASSIFICATIONS WHERE THE NUMBER OF EMPLOYEES AVAILABLE TO PERFORM THE FUNCTION IS LIMITED (MINIMUM STAFFING); THE FUNCTION REQUIRES SPECIALIZED SKILLS; OR FAILURE TO PERFORM THE FUNCTION MAY HAVE SERIOUS CONSEQUENCES.**

**Examination** - The evaluation procedure used to determine the relative qualifications of applicants.

**Executive Benefits Plan** - A plan, considered by the City Council during budget hearings that provides a flexible pay scale and additional benefits to attract and retain management personnel.

**FLSA** - Federal Fair Labor Standards Act, and amendments.

**Grievance** - A grievance is an allegation by a classified employee that the Personnel Rules or the written rules and procedures of any City department have been misinterpreted or misapplied as to that employee; or that the employee has been discriminated against in violation of federal or state law or has been inappropriately denied a merit increase.

**Hire Date** - The date an individual begins work.

**Human Resources Director** - (See Personnel Director)

**Initial Regular Employment Probation** - Formerly known as original City probation. A stipulated time period beginning at hire or rehire to the City that a full-time employee must successfully complete in order to be protected by the Merit System.

**Job Share** - Two (2) employees filling one (1) full-time budgeted position by each employee working one-half (½) of the regular work shift. (See Management Policy 321 - Job Sharing)

**Management Policy** - Provides Citywide policy statements, administrative regulations, and associated procedures for the efficient and effective operation of the organization and the administration and execution of Citywide matters. Management policies are created and modified at the sole discretion of the City Manager.

**Merit Increase** - A salary increase within the limits of a pay range established by class.

**Non-Benefited Part-Time Employee** - An employee appointed to perform the duties of a position for nineteen (19) hours or less a week on a FISCAL year-round basis and is not eligible for benefits. A non-benefited part-time employee is at-will.

**PAID TIME OFF** - THE TIME AN EMPLOYEE IS ABSENT FROM WORK BUT RECEIVING PAY. THE FOLLOWING ABSENCES ARE PAID TIME OFF: OBSERVANCE OF A HOLIDAY, VACATION, SICK, COMPENSATORY TIME, DISCRETIONARY TIME, VOTING, JURY DUTY/WITNESS, BEREAVEMENT, MILITARY LEAVE, ADMINISTRATIVE LEAVE, AND DONATED LEAVE.

**Part-Time Employee** - A person who is appointed to perform the duties of a position for less than forty (40) hours a week. Part-time employees shall not work more than thirty-two (32) hours per week, or sixty-four (64) hours biweekly for more than nine (9) pay periods or eighteen (18) weeks in a calendar FISCAL year. (See Management Policy 320 - Benefited and Non-Benefited Part-Time Employee Benefits)

**Performance Appraisal** - The evaluation of an employee's performance of job duties and responsibilities.

**Personnel Director** - The Personnel Director position title is required by the Mesa City Charter; however the working title for this position is Human Resources Director.

**Pre-Deprivation Hearing** - A hearing where a classified employee is given an opportunity to present reasons, either orally or in writing (or both) as to why a proposed disciplinary reduction in pay, disciplinary action of suspension (of more than sixteen (16) working hours), demotion, or dismissal, is not warranted. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Probation** - A pre-determined period of time during which an employee is required to demonstrate ability to perform the duties of the job in a satisfactory manner.

**Probationary Employee** - An employee who has not completed the probationary period for a transfer, promotion, rehire, reinstatement, new hire, or voluntary demotion.

**Promotion** - The advancement of an employee from one (1) class to another class with a higher maximum rate of pay.

**Public Service Employee** - A person appointed under the provisions of a public service employment program. These persons shall not be entitled to benefits unless specifically approved by the City Manager.

**Qualified** - Meeting the minimum qualifications as defined in the job description plus any special requirements that may be published for that position.

**Rater** - The individual who completes the Performance Appraisal Form.

**Reclassification** - Changing the classification of a position when a material change in duties or responsibilities occurs.

**Recruitment Summary List** - A list of qualified applicants for an open competitive recruitment.

**Regular Full-Time Employee** - A person who is appointed to a full-time position that requires working a full schedule or regular workweek for the job class, who has successfully passed a probationary period.

**REGULAR RATE OF PAY - AN HOURLY RATE OF PAY DETERMINED BY DIVIDING THE TOTAL COMPENSATION ACTUALLY EARNED FOR THE NORMAL NON-OVERTIME WORKWEEK BY THE TOTAL NUMBER OF HOURS WORKED. INCLUDES ALL REMUNERATION FOR EMPLOYMENT PAID TO, OR ON BEHALF OF, THE EMPLOYEE, EXCEPT PAYMENTS SPECIFICALLY EXCLUDED UNDER SECTION 7(E) OF THE FLSA.**

**Reinstatement** - An employee who has resigned or been separated in good standing and is rehired into a position at the same or lower range as that held at the time of separation. Reinstated employees serve a new probation period.

**Reinstatement List** - A list of names of persons qualifying for reinstatement.

**Resignation** - A written notice filed by an employee indicating his/her intention to terminate employment with the City.

~~**Responsibility Center (RC)** - The smallest unit of a budgetary accountability and control area where the people reside and the appropriated dollars are spent, which encompass specific and distinguishable lines of work performed by the organizational unit for the purpose of accomplishing a function/program/activity for which the City is responsible. They may be at the department, division, section, or subsection level.~~

~~**Responsibility Center Manager** - The employee ultimately responsible for the Responsibility Center.~~

**Retirement** - Any employee covered by either the Public Safety or Arizona State Retirement Plan who has reached the designated age and possesses the appropriate number of years of service, and who elects to receive an annuity benefit from either plan.

**Seasonal Employee** - A person who is appointed to perform the duties of a position that requires staffing during certain parts of each year. Seasonal employees are hired for a defined period of time in support of a specific program (e.g., Summer Recreation or Aquatics) and shall not work more than nineteen (19) pay periods in a calendar FISCAL year. A seasonal employee is at-will.

**Section** - A unit of a division.

**Seniority** - Total consecutive years/months of City of Mesa employment (except in cases of reinstatement for sworn employees as stipulated in Section 250 FE.). Active duty reserve military training during City of Mesa employment will be considered as credited employment (without a break in service) up to the limits stated in Management Policy 338 - Military Leave. Federal active duty or active duty for special work during City of Mesa employment shall be credited toward continuous employment providing the employee's obligation to report back to work or request reemployment is met. Absences authorized under the Family Medical Leave Act and the CRIME VICTIMS' RIGHTS ACT Victim's Leave shall be considered continuous employment. Absences caused by a compensable industrial injury shall be considered credited employment. ~~If special leaves exceed thirty (30) calendar days, and the leave is unpaid, the unpaid days over thirty (30) shall not be counted as credited service/employment.~~ An employee hired in a full-time classification, who subsequently converted to part-time status, and then returned to full-time status, shall only receive credited employment for one-half (½) service credit for the time spent in part-time status, in addition to the years/months employed in a full-time classification.

**Separation** - The end of employment with the City of Mesa via resignation, reduction in workforce, retirement, dismissal or death.

**Service** - Duties or work performed.

**Special Leave** - Any time-off in excess of thirty (30) consecutive calendar days that is not covered by the Family Medical Leave Act (FMLA), CRIME VICTIMS' RIGHTS ACT or Military Leave. Special leave includes, but is not limited to: leave for a non-FMLA eligible employee; leave for a non-FMLA eligible circumstance; extended use of sick, vacation, or dock leave after FMLA is exhausted; or absence due to Short-Term Disability in excess of FMLA leave. Special leaves may be for a medical or non-medical reason.

**Suspension** - Considered the third (3<sup>rd</sup>) level of formal discipline. The employee is released from work duties for a specified period of time without pay. The suspension form is signed by the employee or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Temporary Agency Worker** - A person employed by a temporary employment agency and on assignment to the City of Mesa. (See Management Policy 331 - Temporary Agency Workers on Assignment to the City)

**Temporary PROJECT Employee** - Appointments either full or part-time, GENERALLY for a period of LESS THAN ONE HUNDRED-EIGHTY (180) DAYS ninety (90) days or less.

**Termination** - The end of employment with the City of Mesa via resignation, reduction in workforce, retirement, dismissal or death.

**TOTAL GROSS BIWEEKLY PAY** - INCLUDES THE EMPLOYEE'S CURRENT RANGE AND STEP AND ANY COMPONENTS OF PAY FOR THE PAY PERIOD BEFORE TAXES AND VOLUNTARY DEDUCTIONS.

**Transfer** - The movement of an employee from one (1) position in the City of Mesa to another position in the City at the same pay range.

**UNPAID TIME OFF** - THE TIME AN EMPLOYEE IS ABSENT FROM WORK AND IS NOT RECEIVING PAY. THE FOLLOWING ARE EXAMPLES OF UNPAID TIME OFF: INDUSTRIAL DOCK, VOLUNTARY DOCK, DISCIPLINARY DOCK, ABSENT WITHOUT AUTHORITY DOCK.

**Written Counseling** - A memo from a supervisor that documents and counsels an employee about a performance and/or behavior issue, and identifies potential consequences should the problem continue. Written documents of this nature, regardless of title, shall be signed by the employee or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file. (See Management Policy 339 - Implementing Corrective Action and Discipline)

**Written Reprimand** - Considered the first (1<sup>st</sup>) level of formal discipline as per Section 810 of the Personnel Rules. A written reprimand is written documentation to make an employee aware of unacceptable conduct or performance. (See Management Policy 339 - Implementing Corrective Action and Discipline)

## SECTION 120. GENERAL PROVISIONS

- A. **Delegation of Authority:** Unless otherwise stated in these Rules, upon approval by the City Manager, authority granted in these rules to the Deputy City Manager or City Manager designee may be delegated.
- B. **Availability of Funds:** The granting of any compensation in these Rules is contingent upon the availability of funds, as determined by the City Manager. In addition, the City of Mesa works to provide its employees with benefits and employment conditions that are desirable, but the City must and does reserve the right to change benefits and employment conditions when deemed reasonable to do so by the Mesa City Council or City Manager.
- C. **Conflict with Federal or State Requirements:** Any provision of these Rules that conflicts or is inconsistent with state or federal rules, regulations or standards shall not be applicable to any department.
- D. **Service of Notice:** If any document or notice is to be given to any person or department, the notice or document may be served personally or by certified mail to the last known residence or current business address of the addressee. Unless otherwise provided by law or these Rules, notice is complete upon mailing.
- E. **Correction of Errors:** The Human Resources Director may correct a manifest error or clear inequity affecting an employee or an applicant for employment.

## SECTION 130. APPLICABILITY

These Rules are applicable to all classified employees and positions in the City, and to all at-will employees and positions unless a specific chapter or section is excluded from applicability for at-will employees or positions. In the event there is a conflict between these Rules and a Memorandum of Understanding (MOU) entered into through the Meet and Confer process set forth in Management Policy 358 – Meet and Confer, the terms of the MOU will take precedent and will apply to those eligible employees as defined in Management Policy 358.

## SECTION 140. EQUAL EMPLOYMENT POLICY STATEMENT

The City of Mesa reaffirms its policy, as stated in Section 902-a-1 of the City Charter, granted August 18, 1967, to consider each applicant for City of Mesa employment on the basis of his/her qualifications for the job, and without regard to race, color, religion, gender, marital status, age, or national origin. In addition, the City will not discriminate against an employee or applicant with disabilities (as provided under applicable state or federal laws), regarding any position for which the employee or applicant is qualified.

The City of Mesa is an affirmative action employer, and every effort will be made to ensure that appointments, promotions, reclassifications, transfers, compensation, training, reduction in workforce, terminations, or any other type of personnel actions are based on merit, fitness, or other factors determined to be nondiscriminatory. (See Management Policy 302 - Equal Employment Opportunity)

## SECTION 150. PERSONNEL RECORDS

- A. **Content:** Each employee's official personnel file shall contain:
1. Employee application
  2. New employee hire form
  3. Fingerprints
  4. Loyalty Oath
  5. Personnel changes
  6. Notices of promotion
  7. Disciplinary forms and employee responses, (e.g., grievances and appeals)
  8. Performance appraisals
  9. Corrective Action Plans
  10. Written Counselings
- B. **Access:** An employee shall have access to his/her official personnel file during normal City business hours.
- C. **Access to Other Files:** The presence of copies of any item listed in Subsection A in any other informational file concerning an employee shall not in itself confer upon such employee any immediate right of access to such file.
- D. **Control:** The official personnel file will remain in the control of the Personnel Office, unless otherwise ordered by a court of competent jurisdiction.

## CHAPTER 2: EMPLOYMENT

### SECTION 210. GENERAL EMPLOYMENT PROVISIONS

- A. **Citizenship:** Applicants for sworn law enforcement positions must be United States citizens. Applicants for all other positions must present evidence of United States citizenship, or of status as a legally registered alien who has a right to work, prior to employment.
- B. **Age:**
1. The only minimum age requirement for employment in the City of Mesa is that imposed by state law on the employment of minors.
  2. The minimum age for the initial employment of recruit police patrol officers and recruit firefighters shall be as designated in administrative regulations.
- C. **Residency:** The City Manager will designate those employees required to live in the incorporated City limits. Any change in a City employee's residency status shall be reported to the Personnel Office within fourteen (14) working days.
- D. **Physical and Mental Disabilities:** Physical and mental conditions of an applicant for City of Mesa employment shall be disqualifying only if they are of a nature which will preclude the full performance, with reasonable accommodation, of the essential functions of the position. Evaluation of physical and mental condition shall be conducted by a physician or other health care practitioner designated by the City.
- E. **Pre-Employment Requirements:** ~~Prior to their hire date,~~ All individuals recommended for employment with the City of Mesa are required to pass a criminal background and ~~driving~~ record check and may be tested for drugs and/or controlled substance use, if applicable. (See Section 550 AND MANAGEMENT POLICY 316 - ALCOHOL AND DRUG FREE WORKPLACE)
1. **Fingerprinting:** The City of Mesa shall obtain a full set of fingerprints from the persons identified in this Section. **EXCEPTIONS TO THIS SECTION MAY BE MADE BY THE HUMAN RESOURCES DIRECTOR BASED ON OPERATIONAL NEEDS.**
    - a. For persons in groups 1) – 4) below, the City of Mesa shall forward those fingerprints for the purpose of obtaining a state and federal criminal history records check. These criminal record checks shall be done in accordance with Arizona Revised Statutes (ARS) Section §41-1750 and Public Law 92-544.  
  
At the discretion of the Department Director and with approval of the Human Resources Director, employment may begin prior to the City receiving Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) criminal records results; however, individuals who start employment before DPS and FBI criminal records results are received must be ~~continuously~~ CLOSELY supervised if the individual is anticipated to be in contact with minors, disabled or homebound individuals.
  - 1) All prospective City employees eighteen (18) years of age and over (including prior City employees being rehired or reinstated), and

- 2) All current City employees who turn eighteen (18) years of age and have not previously submitted fingerprints (except seasonal employees who turn eighteen [18] years of age during the season, shall only be required to submit a full set of fingerprints to the City as a returning staff member in the subsequent season, if applicable), and
  - 3) All seasonal employees eighteen (18) years of age and over who have not provided services to the City of Mesa for a period of twelve (12) months or more, and
  - 4) All **NON-CITY WORKERS** (EXAMPLES: temporary agency workers, independent-contract workers, and volunteers, ETC.) eighteen (18) years of age and over who are anticipated to be in contact with minors, disabled or homebound persons, or work in security sensitive areas, unless previously fingerprinted for the City within the last twelve (12) months.
- b. For all prospective employees, temporary workers, independent contract workers, or volunteers in groups 1) – 4) below, the City's Police Department shall use those fingerprints to conduct an Arizona Criminal Justice Information System (ACJIS) criminal history record search and provide clearance:
- 1) Police Department criminal justice positions;
  - 2) Justice Administration positions within the City Court or Prosecutor's Office;
  - 3) Facilities maintenance positions servicing the Police Department; and
  - 4) Information Technology Department and Communications positions performing maintenance or support services on Criminal Justice Systems as authorized by ACJIS regulations.
2. Pre-employment drug and/or controlled substance testing: Individuals recommended for employment into "safety sensitive" positions shall successfully pass a pre-employment drug and/or controlled substance test prior to the hire date, if applicable. (See Section 550 – Alcohol, Drug, and Controlled Substance Testing)
  3. Driving Record: The City of Mesa shall obtain driving records for all persons recommended for employment.
- F. **Academic Achievement:** All postsecondary academic achievements required to meet the minimum qualifications of a position must be attained in an academic institution recognized by an accrediting association, as determined by the Human Resources Director.
- G. **Loyalty Oath:** Every officer and employee of the City of Mesa shall take and subscribe to the Loyalty Oath prescribed by state law.
- H. **Outside Employment:** A regular full-time employee may engage in outside employment, if the employment does not adversely impact the employee's City work and does not create a conflict of interest or the appearance of a conflict of interest with the employee's City job. An employee who wishes to engage in outside employment shall inform his/her ~~Responsibility Center Manager~~ **DEPARTMENT DIRECTOR**. The employee may be asked to choose between his/her City of

Mesa employment and his/her outside employment if it is found that the outside employment interferes with the employee's duties with the City.

- I. By accepting employment with the City, employees assign to the City all rights to patent or otherwise protect inventions or intellectual property of any kind the employee may develop on City time, or with City property, or arising out of his/her City duties and responsibilities.

## SECTION 220. EMPLOYMENT LISTS

- A. **General:** A classified position vacancy in the City of Mesa may be filled first by any employee who, by direction of the City Manager or designee, is being transferred or demoted into the class of that position. An at-will position vacancy may be filled by appointment on the basis of merit and fitness demonstrated by examination or other evidence of competence. Persons appointed to at-will positions must meet minimum qualifications as determined by the hiring authority and Human Resources.
- B. **Employment Lists:** If there are no employees to be transferred or demoted to a class, the Human Resources Director shall forward names from lists established for that class in the following order:
  1. Reduction In Workforce (RIWF) Lists
  2. Promotion Lists
  3. Reinstatement Lists
  4. Recruitment Summary Lists (Open Competitive Recruitments)
- C. **Order Of Employment Lists:** Consideration for hire must first be given to qualified candidates who are on a reduction in workforce (RIWF) list. Consideration may then be given to candidates on a promotion list, reinstatement list, or recruitment summary list.
- D. **Duration on Lists:** Candidates remain on lists as follows:
  1. **Reduction in Workforce (RIWF) List:** (See Management Policy 353 – Reduction in Workforce [RIWF])
  2. **Promotion Lists:** Six (6) months or until the employee is promoted or separates from City of Mesa employment, whichever occurs first, or until fewer than three (3) candidates remain on the list. A promotion list may be extended one time, not to exceed six (6) months, upon the request of the Department Director with approval of the Human Resources Director. Requests for extension must be made prior to the expiration date of the original list.
  3. **Sworn Promotional Lists:** The duration of the promotion lists for Police Sergeant, Police Lieutenant, Fire Engineer, Fire Captain, and Battalion Chief shall be a minimum of six (6) months, not to exceed a maximum of two (2) years, upon request of the Police Chief or Fire Chief with the approval of the Human Resources Director. The duration of the list will be stated on the promotional job announcement. A sworn promotional list may be considered expired if fewer than three (3) candidates remain on the list.
  4. **Reinstatement Lists:** One (1) year from effective date of request for reinstatement. (See Section 250 FE.)

5. **Recruitment Summary Lists:** The duration of this employment list will be dependent on the number of qualified applicants on the list.
- E. **Insufficient Candidates:** If the Human Resources Director determines that there is an insufficient number of candidates on existing lists, the Human Resources Director may initiate a recruitment to fill a vacancy. Recruitment of qualified employees from within the City of Mesa will have first priority. If the Human Resources Director determines that there is an insufficient number of qualified employees for the class of the vacancy, an open competitive recruitment may be initiated.

### SECTION 230. RECRUITMENT

- A. **Notice of Vacancies:** Public notice of position vacancies in the City of Mesa shall be accomplished by posting announcements of the vacancies by such means as the Human Resources Director shall direct.
- B. **Applications:** All applications for City of Mesa classified employment shall be submitted on the forms designated by the Human Resources Director. The applications must be submitted during the time period specified in the announcement. All applications and any accompanying documentation become the property of the City of Mesa and shall not be returned.
- C. **Disqualifications:** Applicants for classified positions may be denied further examination processing for any of the following reasons:
1. Failure to meet the minimum qualifications specified in the announcement.
  2. Failure to submit a complete and accurate application.
  3. Misstatement of any pertinent fact on the application.
  4. Previous dismissal from City of Mesa classified employment for cause.
  5. Lack of a satisfactory performance rating at the time of a previous resignation.
  6. Lack of physical or mental ability with reasonable accommodation to perform the essential functions of the position.
  7. Fraud or deception in the application process.
- D. **Confidentiality:** All applications are confidential and may be reviewed only by the applicant, an individual who has written notarized authorization from the applicant, City officials in the normal line of duty, or officials acting in response to court orders or subpoenas.

### SECTION 240. EXAMINATIONS

- A. **General:** To ensure compliance with equal employment opportunity standards and test construction validity, the Human Resources Director has authority for reviewing and approving employment examination and related selection processes. All examinations for City of Mesa classified employment shall be designed to reveal the ability to perform the type of work for which the applicant has applied. All examinations shall be job-related. Employees or other individuals who participate on oral boards or other applicant examination processes shall not

have relationships with applicants that could represent a conflict of interest or compromise the validity of the testing and selection process.

- B. **Types of Examinations:** Examinations shall include, but not be limited to, all or part of the following: written tests, interviews, performance tests, physical agility tests, evaluation of work performance, examination of work samples, medical tests, evaluation of training and experience, or any combination of these tests.
- C. **Preference Points:** Preference points authorized by ARS §38-492 will be added to any applicant's score after the final rating is determined, provided that a passing grade has been earned without the addition of preference points.
- D. **Notice of Examination Results:** Examination results shall be communicated to each applicant after the rating has been completed.
- E. **Review of Examination:** An applicant may review his/her examination results by submitting a written request to the Human Resources Director within fifteen (15) days from the date the examination results were received by the applicant.
- F. **Adjustment of Errors:** The Human Resources Director shall correct any error in the rating of an examination; provided, however, that any such correction shall not invalidate any appointment of any other applicant previously made.
- G. **Preparation of Recruitment Summary Lists:** After each recruitment the Human Resources Director shall prepare a Recruitment Summary list, or merge the names of new candidates with those on an existing Recruitment Summary list.

## SECTION 250. CERTIFICATION, SELECTION, AND APPOINTMENT

- A. **Certification of Candidates:** Upon receipt of a request from a department to fill a vacancy, the Human Resources Director shall send a list containing the names of all persons on the appropriate employment list to the Department Director or City Manager designee. The Department Director or City Manager designee may interview and select any person on the list regardless of placement on the list with the exception of the Reduction in Workforce List. (See Section 220.C)
- B. **Notification of Candidates:** The Human Resources Director or designee shall notify all candidates selected for interview of the date, time, and place of the interview. City employees who fail to report for a scheduled interview shall forfeit eligibility on that list for a period of ninety (90) days. Non-City employees who fail to report for an interview shall be removed from that list. Any candidate who fails to report for an interview may be reinstated on the list provided the candidate presents to the Human Resources Director adequate justification for failure to attend the interview.
- C. **Appointing Authority:** The City Manager or designee shall appoint successful candidates to vacant positions. The Human Resources Department or Department representative shall notify the successful candidate of the date, time, and place at which the candidate must report to commence work. The Human Resources Director shall make arrangements for orientation of new personnel.
- D. **Provisional Appointment:** ~~In the absence of an employment list, the City Manager or designee may make a provisional appointment of a qualified candidate to a position.~~

- ED. **Temporary PROJECT Appointment:** A Department Director or City Manager designee, Deputy City Manager, or City Manager may select an **QUALIFIED** applicant (**FOLLOWING EXAMINATION OR OTHER EVIDENCE OF COMPETENCE**) for a temporary appointment **IN ORDER TO MEET PROJECT-RELATED BUSINESS NEEDS**. A **PROJECT-RELATED** temporary appointmentS is **ARE GENERALLY LESS THAN** for a period of ninety (90) days or less. This may be approved for a one-time (1) extension for a period of an additional ninety (90) days. The approval must be submitted in writing to the Human Resources Director. Upon approval of an extension, the temporary employee is required by state law to enroll and contribute to the Arizona State Retirement System. Upon completion of a one-hundred eighty (180) days, **BUT MAY NOT BE LONGER THAN TWELVE (12) MONTHS WITHOUT APPROVAL** temporary employment period, the department must grant the employee regular status, or terminate the employee unless an exception is granted by the Human Resources Director. **APPOINTEES WORKING TWENTY (20) OR MORE HOURS PER WEEK FOR TWENTY (20) WEEKS OR MORE MUST ENROLL IN AND CONTRIBUTE TO THE ARIZONA STATE RETIREMENT SYSTEM**. Time served as a temporary **PROJECT-BASED** employee is not applied toward benefits or probationary status.
- FE. **Reinstatement:** An employee who has resigned or been separated in good standing is entitled, upon written application to the Human Resources Director within one (1) year of resignation, to be placed on a reinstatement list for classes for which the former employee is qualified in the same or a lower range as that held at the time of separation. Former full-time employees who are hired into a full-time position from the reinstatement list or within one (1) year of the date of their separation shall serve a new probation period and begin accruing leave **PAID TIME OFF** at the same rate as they were at the time of separation. In addition, fifty percent (50%) of the returning full-time employee's forfeited sick leave **TIME** balance shall be restored upon hire. Stability pay shall not be restored. A returning sworn employee's seniority shall also be restored to the level it was prior to the separation (for internal promotions and shift bids).

## SECTION 260. EMPLOYMENT OF RELATIVES

Employment of relatives of current City employees shall be governed by the provisions of ARS §38-481 and the following paragraphs.

- A. **Definition of Relative:** Relative means employee's spouse, child, parent, sister, brother, grandchild, grandparent and his/her spouses; and the parent, sister, brother, or child of a spouse. Step relationships and employee court-appointed legal guardians are included in this definition.
- B. Managers and officers in the positions listed below will not be allowed to have a relative employed in any City department as a full-time, or benefited part-time employee. This Section shall not be construed to require the dismissal of an employee hired before a relative is hired or promoted into one of the positions listed below.
- Assistant City Manager  
City Attorney  
City Manager  
Deputy City Manager  
Human Resources Director
- C. **Mayor, City Council, Boards, and Committees:** Mayor and City Councilmembers will not be allowed to have a relative employed in any City department as a full-time, or benefited part-time

employee. This Section shall not be construed to require the dismissal of an employee hired before a relative is elected.

All Council-appointed board and committee members will not be allowed to have a relative employed as a full-time, part-time, seasonal, or temporary PROJECT employee, or a worker employed through a temporary employment agency in a department/division about which the board/committee member advises the City Council.

- D. **Employing Relatives:** A relative of a current City employee may be employed as a full-time, part-time, seasonal, or temporary PROJECT employee, or a worker employed through a temporary employment agency, in the same department as the currently employed relative. However, no employee may directly supervise a relative. No employee who has authority to recommend appointments, or has appointing authority, may appoint or recommend appointment of a relative to a full-time or benefited part-time position within the same chain of command. Under no circumstances should an employee approve promotions, disciplinary actions, or other employment-related decisions for a relative employed in the same department.
- E. **Post-Employment Relationships:** In the event two (2) current employees marry, there must be compliance with Section D above or one (1) party will submit a request through his/her Department Director or City Manager designee to the Human Resources Director for transfer. If a transfer compatible with this policy cannot be made within ninety (90) days, one (1) employee may be transferred at the discretion of the Department Director or City Manager designee.

#### **SECTION 270. PUBLIC SERVICE EMPLOYMENT PROGRAMS**

- A. **Regular Positions:** An employee in a public service employment program is eligible to compete for regular employment with the City of Mesa while continuing in his/her public service employment program.
- B. **Eligibility for Benefits:** Employees who are employed on a full-time basis under the provisions of a public service employment program may, with the approval of the City Manager or designee, receive all benefits of regular employees except for stability pay.
- C. **Probation:** An employee in a public service employment program who obtains a regular position with the City of Mesa shall be required to serve a probationary period in that position.

### CHAPTER 3: CLASSIFICATION AND COMPENSATION

#### SECTION 310. CLASSIFICATION

- A. **General:** Subject to the approval of the City Manager or designee, the Human Resources Director shall place every position in City of Mesa classified employment in a class based on its essential functions, and shall establish and maintain a system of job descriptions for each class in the City.
- B. **Job Descriptions:** Each job description shall contain the title of the class, a statement of the essential functions of the class, knowledge, skills, and abilities within the class, and the minimum qualifications for entry into the class. Minimum qualifications shall include educational and experience requirements, and any special requirements that pertain, or may pertain, to all or some of the positions within that class.
- C. **Changes in Job Descriptions:** The Human Resources Director may establish new classes, and divide, combine, alter, or abolish existing classes, after consultation with Deputy City Managers and City Manager designees.
- D. **Changes in Job Duties:** If a material and permanent change has taken place in the duties and responsibilities of a position, the Department Director or City Manager designee may request a reclassification study of the position. (See Management Policy 329 - Classification and Compensation) An employee who is in the position at the time of reclassification is entitled to continue to serve in that position in the new classification.

#### SECTION 320. SALARY PLAN

- A. **General:** The Human Resources Director, with the approval of the City Manager, or designee, will assign each class in the City of Mesa to a specific salary range.
- B. **Salaries:** Except as otherwise provided, all City classified employees shall be paid a salary within the range to which their class is assigned.
- C. **Entrance Rates:**
  - 1. Except as specified below, all new employees shall be paid at the first step of the range to which their class is assigned.
  - 2. If the City Manager, or designee, determines that qualified applicants are not available at the first step of the range for the class, the City Manager or designee may establish a higher step as a special recruitment rate.
  - 3. If the Deputy City Manager (or designee) or City Manager designee determines that a particular applicant has special qualifications that justify a salary higher than the first step of the range, the Deputy City Manager (or designee) or City Manager designee may authorize a special entrance rate at a higher step within the salary range for that individual.
- D. **Specialty Pay Scale:** Under limited circumstances, the City Manager may establish position classifications according to a specialty pay scale as approved by the City Council.

**E. Promotion:**

1. Except as specified in Paragraph 2 below, an employee who is promoted shall receive a salary that is **at least** the same or higher than the salary received at the former range. Increases greater than five percent (5%) shall be in accordance with approval processes established by the City Manager.
2. Employees who are criteria-based promoted from a Recruit classification to the Firefighter classification or the Police Officer classification will start at the first step of the range for these classes.

**F. Transfer:** An employee transferred in the same range while remaining in the same classification shall receive the same salary and maintain the same review date as before the transfer. If the transfer involves a lateral change, (a change in job classification that is in the same pay range) the employee's salary may be adjusted.

**G. Reclassification:**

1. An employee whose position is reclassified to a class in the same pay range shall receive the same salary as before the reclassification.
2. An employee whose position is reclassified to a class in a higher pay range shall receive the same salary as before the reclassification, unless this salary is less than the first step of the new pay range, in which case the employee shall receive the salary of the first step of the new pay range.
3.
  - a. If an employee's position is reclassified to a lower salary range, the employee will be placed at the lowest salary step in the new pay range that does not cause a decrease in salary.
  - b. If an employee is reclassified to a lower range, and the employee's current salary is higher than the maximum step of the lower range, the employee shall be retained at the current salary level until the salary range of the new pay range reaches the level of the employee's salary.
4. An employee whose salary range is adjusted from his/her current salary range to a higher salary range based on a salary survey shall be entitled to a salary increase as indicated in Paragraph 2 above.
5. The City Manager may approve exceptions to this Section based on financial considerations.

**H. Demotion:**

1. An employee who is demoted for disciplinary reasons shall be paid at the highest step in the lower pay range that is at least five percent (5%) lower than the employee's salary prior to the demotion. The employee will be placed on disciplinary probation for a minimum of ninety (90) days, but not more than one (1) year.
2. An employee who is demoted for disciplinary reasons whose new salary as computed under Subsection G above exceeds the maximum salary of the lower range shall receive the maximum salary of the lower range.

3. An employee who requests demotion shall be paid at a rate within the new salary range recommended by the Department Director or City Manager designee and approved by the Deputy City Manager or Assistant City Manager. (See Section 830) A voluntary demotion may only occur if the intended position is currently existing and vacant.
4. An employee who is demoted for failing to meet the requirements of the position shall be demoted to the formerly held position if existing and vacant. The employee's salary will be computed as in Subsection G 1 above. If the employee's former position is not currently existing and vacant at the time the employee is demoted, the employee shall be terminated and placed on an employment list for a classification for which the employee is eligible.
5. An employee demoted for the City's convenience will continue to receive the same salary as before the demotion. If this salary is higher than the maximum of the new pay range, the employee will remain at this rate until the salary range for the class reaches the employee's salary, at which point the employee will again be eligible for salary increases.

I. **Shift Differential:**

1. ~~The City Manager or designee shall determine the classes that are eligible for shift differential.~~
- 2.1. Shift differential is **A PREMIUM** paid to ~~eligible~~ **NON-EXEMPT** employees **WORKING AN ELIGIBLE** ~~on a night-shift. AN ELIGIBLE~~ night shift is a shift of eight (8) or more hours, which starts on or after ~~102:00 Pa.m.~~ 2:00 P.m. Eligible employees who start work on or after 2:00 P.m. will receive shift differential **PREMIUM** for all work performed from 3:30 p.m. to 8:00 a.m. Part-time employees (benefited or non-benefited) ~~in-eligible~~ classifications will receive shift differential **PREMIUM** if working an eight (8) hour shift **THAT STARTS ON OR AFTER 2:00 P.M.** for all work performed from 3:30 p.m. to 8:00 a.m. **FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT AND seasonal employees will not be paid ARE NOT ELIGIBLE** for shift differential **PREMIUM**.
- 3.2. Shift differential **PREMIUM** shall be paid to employees for hours worked over the regularly assigned ~~night-ELIGIBLE~~ shift when such work is a continuation of the regular shift and falls within the designated hours of 3:30 p.m. to 8:00 a.m. Shift differential shall also be paid for all regularly assigned ~~night-ELIGIBLE~~ shifts (as defined in paragraph 21) when an employee works overtime during ~~aN~~ night-ELIGIBLE shift and is required by the City to flex the time in their regularly scheduled workweek in order to avoid the payment of overtime compensation. The flex hours must fall within the designated hours of 3:30 p.m. to 8:00 a.m. and may be less than an eight (8) hour shift.
- 4.3. Shift differential shall not be paid for any employee on paid benefit leave ~~TIME OFF~~, as outlined in Chapter 4 of the Personnel Rules. **AN EMPLOYEE NORMALLY ASSIGNED TO AN ELIGIBLE SHIFT IS NOT ELIGIBLE FOR THE SHIFT DIFFERENTIAL PREMIUM WHEN WORKING A DAY SHIFT OR ATTENDING TRAINING DURING THE DAY.**
- 5.4. An employee who is called back to work outside his/her regularly assigned shift shall not receive ~~night-shift~~ shift differential **PREMIUM**, but shall be compensated in accordance with call-out policies, **UNLESS THE SHIFT MEETS THE ELIGIBILITY REQUIREMENTS.**
65. **THROUGH DECEMBER 31, 2012, Shift differential PREMIUM shall be five percent (5%) of an employee's current pay range and step not to exceed five percent (5%) of the**

maximum hourly rate for Police Officer. **EFFECTIVE JANUARY 1, 2013, ELIGIBLE EMPLOYEES WILL BE PAID ACCORDING TO THE CHART IDENTIFIED IN MANAGEMENT POLICY 400 – TIMEKEEPING AND LEAVE ADMINISTRATION.**

J. ~~Pay Schedule: All employees shall be compensated on a biweekly schedule.~~

### **SECTION 330. PERFORMANCE INCREASES AND DECREASES**

(See Section 530 Performance Evaluations, Section 320 | Demotion, Section 830 Demotion)

- A. **Eligibility - New and Promoted Employees:** After initial employment in a City of Mesa classified position, or promotion to a higher classification, an employee becomes eligible for advancement in the employee's pay range based on merit.
- B. **Eligibility - Full-Time and Benefited Part-Time Employees:** Full-time and benefited part-time employees are eligible for a merit increase annually on their review dates until the benefited employee's salary reaches the maximum of the pay range.
- C. **Qualifying Requirement:** An employee must attain the performance rating indicated by City Management in order to qualify for a merit increase.
- D. **Pay Decreases Due To Performance:** If an employee's overall performance rating is "Performance Improvement Required", the employee may receive one (1) pay reduction not to exceed five percent (5%) per regularly scheduled evaluation. A classified employee must be given an opportunity to attend a pre-deprivation hearing after receiving the evaluation notifying him/her of the intended action, but prior to the salary being reduced.

**Pre-Deprivation Hearing:** Upon recommendation of a reduction in pay, the employee will be notified that a pre-deprivation hearing will be held by the Department Director or designated acting Department Director, or City Manager designee. The employee will be given not less than one (1) working day's notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See Management Policy 339 - Implementing Corrective Action and Discipline for Pre-Deprivation Hearing Guidelines)

- E. **Effective Dates:** The Merit Review date is based upon the effective date of the personnel action (appointment, promotion, demotion, etc.) as follows:
  - 1. For a personnel action that occurs on the 2nd through 16th day of the month, the merit review date is one (1) year later on the 16th of the month.
  - 2. For a personnel action that occurs on the 17th through 1st day of the month, the merit review date is one (1) year later on the 1st day of the following month.
- F. **Exceptional Performance Recognition Award:** Upon approval of the Deputy City Manager or City Manager designee, an exceptional performance recognition award may be given to full-time and benefited part-time employees to recognize exceptional performance in the employee's class. An employee may receive no more than one (1) individual and one (1) team award during a twelve (12) month period. This award will be for a specified amount and paid in a lump sum separate and apart from biweekly wages. After the City deducts the appropriate amount of taxes, the amount of the exceptional performance recognition award net of taxes, shall not

exceed two and one-half percent (2½%) net of the employee's current pay range and step annual salary. (See Management Policy 322 - Special Performance Rewards)

Eligible employees must have been employed for one (1) year, and received an overall "Successful Performance" rating on their most recent performance appraisal. Additionally, written justification shall be provided to support the recommendation for an Exceptional Performance Award. Team members considered for Exceptional Performance Recognition must have received a rating of "Successful Performance" on their most recent performance appraisal. (See Management Policy 322 - Special Performance Rewards)

- G. **Unscheduled Merit Increases:** Upon approval of the Deputy City Manager or City Manager designee and review by the Human Resources Director, an Unscheduled Merit Increase may be awarded to an employee to recognize exceptional performance in the employee's class. This award is a permanent increase of one (1) pay step, and may be given only to employees below the maximum of the salary range to which they are assigned. (See Management Policy 322 - Special Performance Rewards)
- H. **Two-Step (2-step) Merit Increases:** Upon approval of a Deputy City Manager or City Manager designee and review by the Human Resources Director, a two-step (2-step) merit increase may be awarded at the time of a regularly scheduled merit review to recognize exceptional performance. (See Management Policy 322 - Special Performance Rewards)

#### **SECTION 340. STABILITY PAY**

THROUGH DECEMBER 31, 2012

- A. **Definition:** Stability pay is a lump sum payment to eligible full-time employees which is designed to encourage and recognize continued City of Mesa employment.
- B. **Eligibility:**
  - 1. Employees hired prior to July 1, 1988, who have worked for the City of Mesa for five (5) continuous years receive two and one-half percent (2½%) of their annual pay range and step. The credit begins to accumulate at the beginning of the sixth (6th) year. The amount increases by one-half of one percent (½ of 1%) for each year of City of Mesa employment thereafter, up to a maximum of ten percent (10%).
  - 2. Employees hired on and after July 1, 1988, who have worked for the City of Mesa for five (5) continuous years will receive two and one-half percent (2½%) of their annual pay range and step. The credit begins to accumulate at the beginning of the sixth (6th) year. The amount increases by one-half of one percent (½ of 1%) for every other year of City of Mesa employment, up to a maximum of five percent (5%).
  - 3. Employees hired on or after July 1, 1992, will not be eligible for stability pay.
  - 4. Part-time employees are not eligible for stability pay. Employees who were previously eligible for, or received stability pay as a regular full-time employee will not receive stability pay as a benefited part-time employee. If an eligible benefited part-time employee regains regular full-time status, without a separation from City of Mesa employment, the employee's stability pay will be reinstated at the employee's previous rate. Eligibility for stability pay is determined by the employee's status at the end of the accrual year and will not be prorated.

**C. Stability Pay Periods:**

1. Eligible full-time classified or at-will employees who are not members of the Public Safety Retirement System shall be paid stability pay once a year. The stability pay period is from December 1 through November 30 of the following year.
2. Eligible full-time classified or at-will employees who are members of the Public Safety Retirement System shall be paid stability pay twice a year. The first stability pay period is from December 1 through May 31 of the following year. The second stability pay period is from June 1 through November 30 of the same year.

- D. Credited Service:** For the purpose of determining credited service for stability pay purposes, total continuous City of Mesa employment is counted, regardless of the class, position, or department of the employee. This credit will include breaks in service caused by a compensable industrial injury, by required service in the Armed Forces of the United States, or by authorized paid leaves of absence. If a special leave exceeds thirty (30) calendar days, the excess days over thirty (30) shall not be counted as credited service.

**EFFECTIVE JANUARY 1, 2013, ELIGIBLE EMPLOYEES WILL BE PAID STABILITY IN ACCORDANCE WITH THE FOLLOWING:**

1. **DEFINITION: STABILITY PAY IS A PAYMENT MADE TO ELIGIBLE FULL-TIME EMPLOYEES THAT IS DESIGNED TO ENCOURAGE AND RECOGNIZE CONTINUED CITY OF MESA EMPLOYMENT.**
2. **ELIGIBILITY:**
  - a. **EMPLOYEES HIRED PRIOR TO JULY 1, 1988, WHO HAVE WORKED FOR THE CITY OF MESA FOR FIVE (5) CONTINUOUS YEARS AND ARE CURRENTLY IN A FULL-TIME POSITION, WILL RECEIVE TEN PERCENT (10%) OF THEIR PAY, AS SET FORTH IN SECTION 340.3.A. AND SECTION 340.3.B BELOW. THE STABILITY PAYMENT BEGINS ON THE FIRST PAY PERIOD AFTER FIVE YEARS OF FULL-TIME EMPLOYMENT.**
  - b. **EMPLOYEES HIRED ON AND AFTER JULY 1, 1988, BUT BEFORE JUNE 30, 1992, WHO HAVE WORKED FOR THE CITY OF MESA FOR FIVE (5) CONTINUOUS YEARS AND ARE CURRENTLY IN A FULL-TIME POSITION, WILL RECEIVE FIVE PERCENT (5%) OF THEIR PAY, AS SET FORTH IN 340.3.A. AND SECTION 340.3.B BELOW. THE STABILITY PAYMENT BEGINS ON THE FIRST PAY PERIOD AFTER FIVE YEARS OF FULL-TIME EMPLOYMENT.**
  - c. **EMPLOYEES HIRED ON OR AFTER JULY 1, 1992, WILL NOT BE ELIGIBLE FOR STABILITY PAY.**
  - d. **PART-TIME EMPLOYEES ARE NOT ELIGIBLE FOR STABILITY PAY, REGARDLESS OF BENEFITED STATUS. EMPLOYEES WHO WERE PREVIOUSLY ELIGIBLE FOR, OR RECEIVED STABILITY PAY AS A REGULAR FULL-TIME EMPLOYEE, WILL NOT RECEIVE STABILITY PAY AS A PART-TIME EMPLOYEE. IF AN ELIGIBLE PART-TIME EMPLOYEE REGAINS REGULAR FULL-TIME STATUS WITHOUT A SEPARATION FROM CITY OF MESA EMPLOYMENT, THE EMPLOYEE'S STABILITY PAY WILL BE**

REINSTATED. ELIGIBILITY FOR STABILITY PAY IS DETERMINED BY THE EMPLOYEE'S STATUS AT THE END OF THE BIWEEKLY PAY PERIOD AND WILL NOT BE PRORATED.

3. STABILITY PAYMENTS:

THE CITY SHALL PAY ELIGIBLE FULL-TIME EMPLOYEES STABILITY PAY ON A BIWEEKLY BASIS AND THE PAYMENT WILL BE INCLUDED IN THE EMPLOYEE'S BIWEEKLY PAYCHECK. THE AMOUNT OF STABILITY PAY IS DETERMINED BY THE EMPLOYEE'S TOTAL GROSS BIWEEKLY PAY AT THE END OF THE PAY PERIOD AND WILL NOT BE PRORATED, UNLESS THE FOLLOWING CIRCUMSTANCES OCCUR:

- a. IF THE EMPLOYEE REPORTS ANY UNPAID TIME OFF IN THE BIWEEKLY PAY PERIOD, THE EMPLOYEE'S BIWEEKLY STABILITY PAYMENT WILL BE CALCULATED ON THE EMPLOYEE'S EFFECTIVE HOURLY RATE FOR THE UNPAID TIME OFF REPORTED, UP TO EIGHTY (80) HOURS.
- b. IF THE EMPLOYEE'S BIWEEKLY PAYCHECK CONSISTS SOLELY OF DONATED LEAVE, THE EMPLOYEE'S BIWEEKLY STABILITY PAYMENT WILL BE CALCULATED ON THE EMPLOYEE'S EFFECTIVE HOURLY RATE, UP TO EIGHTY (80) HOURS.

**SECTION 350. OVERTIME**

**A. Eligibility:**

1. All employees, except those identified in Paragraph 2 below, are eligible to receive overtime pay when earned.
2. Executive, administrative, professional, certain computer-related occupations, or certain recreational employees who meet the criteria established in the federal Fair Labor Standards Act (FLSA) as amended, are exempt from overtime pay.
  - a. Notwithstanding any other provision of these Personnel Rules or any other policy of the City, for purposes of public accountability, all City of Mesa FLSA exempt employees must use accrued leave for absences of more than four (4) consecutive hours unless approval is given by the Department Director or designated acting Department Director or City Manager designee. Otherwise, FLSA exempt employees who do not have accrued leave available will have their pay docked or be placed on special leave.
  - b. All employees, including FLSA exempt employees, must seek and obtain a supervisor's permission to be absent during the work day. FLSA exempt employees generally need not use accrued leave for absences of four (4) consecutive hours or less in a work day. Department Director or designated acting Department Director or City Manager designee approval is required for absences greater than four (4) hours if accrued leave is not used.

**A. Overtime Schedules:** All personnel except those identified above shall be eligible to receive overtime compensation for hours worked in excess of forty (40) hours during any work week, ~~fifty-six (56) hours for firefighters.~~ **EFFECTIVE JULY 1, 2012, for**

purposes of calculating overtime FOR EMPLOYEES WORKING A FORTY (40) HOUR WORK WEEK, THE FOLLOWING paid TIME OFF CATEGORIES leave WILL BE is considered time worked: OBSERVANCE OF A HOLIDAY (EXCEPT FOR CRITICAL CITY SERVICE AND ESSENTIAL PERSONNEL), VACATION, DISCRETIONARY TIME (I.E., PERSONAL TIME), VOTING, JURY DUTY/WITNESS, BEREAVEMENT, MILITARY LEAVE, ADMINISTRATIVE LEAVE, AND DONATED LEAVE. THE FOLLOWING PAID TIME OFF CATEGORIES WILL NOT BE CONSIDERED TIME WORKED: SICK AND COMPENSATORY TIME.

FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT ARE ELIGIBLE TO RECEIVE OVERTIME COMPENSATION FOR HOURS WORKED IN EXCESS OF TWO HUNDRED FOUR (204) HOURS DURING THE TWENTY-SEVEN (27) DAY WORK PERIOD. EFFECTIVE JULY 1, 2012, FOR PURPOSES OF CALCULATING OVERTIME FOR FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT, THE FOLLOWING PAID TIME OFF CATEGORIES WILL BE CONSIDERED TIME WORKED: VACATION, SICK, DISCRETIONARY TIME (I.E., PERSONAL TIME), VOTING, JURY DUTY/WITNESS, BEREAVEMENT, MILITARY LEAVE, ADMINISTRATIVE LEAVE, AND DONATED LEAVE. THE FOLLOWING PAID TIME OFF CATEGORY WILL NOT BE CONSIDERED TIME WORKED: COMPENSATORY TIME AND OBSERVANCE OF A HOLIDAY.

- C. **Overtime Authorization:** FLSA non-exempt employees must seek and obtain approval prior to working any overtime or outside of their normal scheduled shift/hours. ~~The supervisor is responsible for accurately recording all hours worked.~~ **THE EMPLOYEE SHALL ACCURATELY REPORT AND RECORD ALL HOURS WORKED. THE SUPERVISOR SHALL MONITOR HOURS WORKED, RECORD/REVIEW TIME CARDS, AND APPROVE ALL OVERTIME WORKED BY EMPLOYEES.**
- D. **Identification:** The Human Resources Director will publish a list of all positions in the City, identifying those positions eligible for overtime, and identifying the category of overtime for each position.
- E. **Payment:** Eligible employees, when authorized to work overtime, shall be compensated at one and one-half (1½) times the ~~hourly rate~~ **EMPLOYEE'S REGULAR RATE OF PAY** ~~for each hour of overtime worked.~~
- F. **Compensatory Time:** At their request and with the approval of their supervisor, eligible employees (FULL-TIME AND BENEFITED PART-TIME) may receive compensatory time in lieu of overtime payment. Compensatory time shall accrue at one and one-half (1½) hours for each hour of overtime worked. ~~The maximum amount of overtime that may be converted to compensatory time is sixty-six point six (66.6) hours. (66.6 hours overtime = 100 hours compensatory time.) Once an employee has accrued compensatory time, that time cannot be converted into overtime pay. (See Management Policy 311 - Compensatory Time)~~
- G. **Working On A Holiday:** (See Section 421 D, 1 and 2)

**SECTION 360. STAND-BY AND CALL-OUT PAY**

**Eligibility:** Employees who are eligible for overtime pay, as specified in Section 350 A are eligible for stand-by or call-out pay. For Information on Citywide Stand-By, On-Call, and Call-Out, (See Management Policy 357 - CITYWIDE STAND-BY, ON-CALL, AND CALL-OUT)

**SECTION 370. EXECUTIVE/ADDITIONAL BENEFITS**

- A. The City Manager, Assistant City Manager, Deputy City Managers, and those City officers specifically established in the City Charter and management employees designated by the City Manager shall participate in an executive benefits plan created and approved by the City Manager. The City Council shall consider the executive benefits plan during annual budget hearings.
- B. The City Manager may provide additional benefits, (e.g., authorize the provision of an established bank of vacation and/or sick leave ~~days~~ **TIME** or other benefits deemed appropriate), for any position as determined by the City Manager. Accrual schedules outlined in Sections 43422 and 43223 will not be affected by an established bank of leave **TIME** days.

## CHAPTER 4: BENEFITS

### SECTION 410. ABSENCE FROM WORK

- A. **Absence From Work:** Absence from work is subject to supervisory approval. All requests for absence from scheduled work should be submitted to the employee's supervisor at least forty-eight (48) hours prior to the beginning of the absence, except for emergencies or unanticipated sick leave **TIME**, in which case the request shall be submitted as soon as possible. The request must be submitted ~~on a Leave of Absence form and must be signed~~ **APPROVED** by the employee's supervisor unless the absence is per ~~Section 350 A 2 b~~. This requirement applies to both leaves with pay and leaves without pay **PAID AND UNPAID TIME OFF**.
- B. **Unexcused Absences:** An employee who is absent without supervisory approval (**UNPAID TIME OFF**) has an unexcused absence and is subject to the following disciplinary action:
1. For the first (1<sup>st</sup>) instance of unexcused absence, the employee shall receive a written reprimand.
  2. For the second (2<sup>nd</sup>) instance of unexcused absence within six (6) months of the first unexcused absence, the employee may receive up to a three (3) day suspension. (See Section 820 B - for suspension of exempt employees)
  3. For the third (3<sup>rd</sup>) instance of unexcused absence within six (6) months of the first unexcused absence, the employee may be dismissed from City of Mesa employment.
  4. An unexcused absence of five (5) consecutive work days, or forty (40) consecutive work hours, or two (2) consecutive work shifts or forty-eight (48) hours for firefighters or more is considered to be abandonment of City of Mesa employment. Per Section 930 B, the Deputy City Manager or City Manager designee must attempt to notify the employee to schedule a pre-deprivation hearing by certified mail to the employee's last known address.

### SECTION 420. HOLIDAYS PAID TIME OFF

**PAID TIME OFF IS THE TIME AN EMPLOYEE IS ABSENT FROM WORK BUT RECEIVING PAY. THE FOLLOWING ABSENCES ARE PAID TIME OFF: OBSERVANCE OF A HOLIDAY, VACATION, SICK, COMPENSATORY TIME, DISCRETIONARY TIME, VOTING, JURY DUTY/WITNESS, BEREAVEMENT, MILITARY LEAVE, ADMINISTRATIVE LEAVE, AND DONATED LEAVE.**

**ALL PAID TIME OFF CAN BE TAKEN IN QUARTER (¼)-HOUR INCREMENTS. AN EMPLOYEE RECEIVING PAY IN ANY OF THE PAID TIME OFF CATEGORIES WILL BE PAID AT THE EMPLOYEE'S EFFECTIVE RATE OF PAY (NOT INCLUDING SHIFT DIFFERENTIAL PAY), UNLESS OTHERWISE NOTED.**

### SECTION 421. HOLIDAYS

- A. ~~Holidays to be Observed by the City~~ **HOLIDAYS are as Follows:** New Year's Day, Martin Luther King, Jr./Civil Rights Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

- B. **Observation of Holidays:** When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the preceding Friday. **IF THE HOLIDAY FALLS ON AN EMPLOYEE'S REGULARLY SCHEDULED DAY OFF, THE EMPLOYEE WILL OBSERVE THE HOLIDAY ON A REGULARLY SCHEDULED WORKDAY WITHIN TWO (2) WEEKS BEFORE OR AFTER THE HOLIDAY.**

**EFFECTIVE JULY 1, 2012, DEPARTMENTS WILL DETERMINE WHETHER EMPLOYEES IN THE DEPARTMENT WILL FOLLOW AN ACTUAL OR OBSERVED HOLIDAY CALENDAR. (SEE MANAGEMENT POLICY 400 – TIMEKEEPING AND LEAVE ADMINISTRATION)**

- C. **Eligibility:** ~~Except UNLESS REQUIRED TO MAINTAIN CITY SERVICES as indicated in Section 4201.D., EMPLOYEES ARE RELIEVED FROM DUTY FOR THEIR FULL SHIFT IF THE HOLIDAY FALLS ON A DAY THEY ARE NORMALLY SCHEDULED TO WORK; BENEFITED EMPLOYEES SHALL BE PAID DURING THEIR ABSENCE FROM WORK. probationary full time and regular full time City employees shall receive eight (8) hours of paid holiday leave for each City observed holiday. Benefited part time employees shall receive four (4) hours of paid holiday leave for each City observed holiday. Unless required to maintain essential City services, probationary full time, regular full time and benefited part time employees are eligible to be absent for their full shift if the holiday falls on a day they are normally scheduled to work and are to utilize paid holiday leave for the absence. (See Management Policy 355 – 4 x 10 Flex Work Schedule)~~

D. **Employees Required to Work TO MAINTAIN CITY SERVICES:**

1. ~~Probationary full time, regular full time, and benefited part time, seasonal, City temporary employees, and non-benefited part time ALL NONEXEMPT employees (EXCEPT CRITICAL CITY SERVICES AND ESSENTIAL PERSONNEL) who are required to work on a holiday (ACTUAL OR OBSERVED AS SET BY THE DEPARTMENT in order to maintain essential City services shall receive additional compensation- BE PAID A HOLIDAY PREMIUM at the rate of one and one-half (1½) times the employee's pay at the current range and step EFFECTIVE HOURLY RATE for each hour worked on the holiday.~~
2. **CRITICAL CITY SERVICES AND ESSENTIAL PERSONNEL:** Sworn police and fire personnel (ESSENTIAL PERSONNEL) and other essential NON-SWORN/CIVILIAN personnel REQUIRED TO MAINTAIN CITY SERVICES (CRITICAL CITY SERVICES), as designated by the City Manager or designee, are paid for the holiday separately in the pay period the holiday occurs. ~~Police officers and other essential personnel receive holiday pay at the rate of eight (8) hours at their straight time hourly rate based on their current pay range and step on the date of the holiday. Firefighters are paid at the rate of eleven point two (11.2) hours for those working on a twenty four (24) hour shift.~~ **CRITICAL CITY SERVICES AND ESSENTIAL PERSONNEL RECEIVE HOLIDAY TIME AT THEIR EFFECTIVE HOURLY RATE BASED ON THEIR CURRENT SCHEDULE, EXCEPT THAT FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT ARE PAID ELEVEN POINT TWO (11.2) HOURS AT THEIR EFFECTIVE HOURLY RATE. CRITICAL CITY SERVICES AND ESSENTIAL PERSONNEL, EXCEPT FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT, SHALL BE PAID A HOLIDAY PREMIUM OF ONE AND ONE-HALF (1½) TIMES THE EMPLOYEE'S EFFECTIVE HOURLY RATE OF PAY FOR TIME WORKED ON A HOLIDAY.**

**CRITICAL CITY SERVICES AND ESSENTIAL PERSONNEL REQUIRED TO WORK**

**ON A HOLIDAY MAY NOT FLEX THE HOLIDAY TIME TO ANOTHER DAY. ALL PERSONNEL (INCLUDING ESSENTIAL PERSONNEL IN AN ADMINISTRATIVE ASSIGNMENT) ARE REQUIRED TO OBTAIN SUPERVISORY APPROVAL TO WORK ON A HOLIDAY.**

- E. **Holidays During Paid Leave TIME OFF:** ~~Probationary full-time and regular full-time~~ **ALL BENEFITED** employees (except those designated in Section 4201.D) on paid leave TIME OFF when a holiday occurs will receive no additional pay and will not be charged for vacation leave **ANY PAID TIME OFF CATEGORIES.**
- F. **Holidays During Unpaid Leave TIME OFF:** An employee who is on an authorized unpaid leave TIME OFF STATUS of absence shall not be paid for a holiday unless the employee works a full shift OR SUBMITS PAID TIME OFF on the employee's scheduled work day either the day before or the day after the holiday.
- G. **Starting Employment:** If a holiday falls on the first scheduled work day of a pay period, an employee who starts to work for the City on the following day and works for the entire REMAINDER OF THE scheduled pay period shall receive full pay for the holiday. ~~If the employee starts work after a holiday which was preceded by a regularly scheduled work day, the employee will not receive pay for the holiday.~~
- H. **Terminating Employment:** If an employee is terminated for any reason on the day before a holiday, the employee will not receive pay for the holiday.

**~~SECTION 430. PAID LEAVES~~**

~~An employee who is receiving pay from the City of Mesa while on leave shall be paid at that employee's current pay range and step (not including shift differential pay) for every hour of absence.~~

**SECTION 43422. VACATION LEAVE TIME**

A. **Definition:** Vacation leave TIME includes all periods of approved absence with pay which are not chargeable to another PAID TIME OFF category of leave .

B. **Accrual:**

- 1. a. THROUGH DECEMBER 31, 2012, All regular and probationary full-time employees shall accrue vacation-leave TIME in accordance with the following schedule:

<u>Credited City of Mesa Employment</u>	<u>Hours Per Month</u>	
	<u>Firefighters</u>	<u>All Others</u>
Fewer than two (2) years	11.2	8
Two (2) years or more	16.8	12

- b. THROUGH DECEMBER 31, 2012, Each benefited part-time employee is entitled to one-half (½) of the allowable monthly accrual for vacation based on years of City of Mesa employment after six (6) months of continuous employment. **EFFECTIVE JANUARY 1, 2013, PART-TIME EMPLOYEES WILL BEGIN ACCRUING ON DATE OF HIRE.**

2. EFFECTIVE JANUARY 1, 2013, ELIGIBLE EMPLOYEES WILL ACCRUE VACATION TIME IN ACCORDANCE WITH THE FOLLOWING:

a. FULL-TIME:

YEARS ZERO (0) THROUGH TWO (2):

- THREE POINT FIVE (3.5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = NINETY-ONE (91) HOURS.
- AN ADDITIONAL FIVE (5) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF NINETY-SIX (96) HOURS PER CALENDAR YEAR.

YEARS TWO (2+):

- FIVE POINT FIVE (5.5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = ONE HUNDRED FORTY-THREE (143) HOURS.
- AN ADDITIONAL ONE (1) HOUR WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF ONE HUNDRED FORTY-FOUR (144) HOURS PER CALENDAR YEAR.

b. FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT:

YEARS ZERO (0) THROUGH TWO (2):

- FIVE (5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = ONE HUNDRED THIRTY (130) HOURS.
- AN ADDITIONAL FOUR POINT FOUR (4.4) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF ONE HUNDRED THIRTY-FOUR POINT FOUR (134.4) HOURS PER CALENDAR YEAR.

YEARS TWO (2+):

- SEVEN POINT FIVE (7.5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = ONE HUNDRED NINETY-FIVE (195) HOURS.
- AN ADDITIONAL SIX POINT SIX (6.6) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF TWO HUNDRED ONE POINT SIX (201.6) HOURS PER CALENDAR YEAR.

c. BENEFITED PART-TIME:

YEARS ZERO (0) THROUGH TWO (2):

- ONE POINT SEVEN-FIVE (1.75) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = FORTY-FIVE POINT FIVE (45.5) HOURS.
- AN ADDITIONAL TWO POINT FIVE (2.5) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF FORTY-EIGHT (48) HOURS PER CALENDAR YEAR.

YEARS TWO (2+):

- TWO POINT SEVEN FIVE (2.75) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = SEVENTY-ONE POINT FIVE (71.5) HOURS.
- AN ADDITIONAL POINT FIVE HOUR (.5) WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF SEVENTY-TWO (72) HOURS PER CALENDAR YEAR.

23. THROUGH DECEMBER 31, 2012, Eligible employees accrue the appropriate number of hours of vacation ~~leave~~ TIME based on their anniversary dates. The anniversary date of an employee who is hired between the first (1st) and fifteenth (15th) days of a month inclusive shall be the first (1st) day of that month. The anniversary date for an employee who is hired between the sixteenth (16th) day and the end of the month inclusive shall be the first (1st) day of the month following employment.
34. THROUGH DECEMBER 31, 2012, A full-time employee working an eighty (80) hour pay period shall not accrue vacation ~~leave~~ TIME credits or accrue credited service for any calendar month in which the employee has been docked for more than three (3) normal work shifts (eight (8) to ten (10) hour shifts), including unpaid holidays. For fire personnel working a TWENTY-FOUR (24)-HOUR SHIFT ~~one hundred twelve (112) hour pay period in which the employee has been docked more than thirty-six (36) hours, including unpaid holidays,~~ shall not accrue vacation ~~leave~~ TIME credits or accrue credited service for any calendar month, **IN WHICH THE EMPLOYEE HAS BEEN DOCKED FOR MORE THAN THIRTY-SIX (36) HOURS, INCLUDING UNPAID HOLIDAYS.** A benefited part-time employee shall not accrue vacation ~~leave~~ TIME credits for any calendar month unless the employee has submitted at least thirty-four (34) hours of time worked (including paid leave TIME OFF) for each of the two (2) pay periods prior to the end of that month.

**EFFECTIVE JANUARY 1, 2013, EMPLOYEES ACCRUE VACATION TIME ONCE THEY HAVE MET A MINIMUM NUMBER OF HOURS IN A BIWEEKLY PAY PERIOD. THIS HOURLY REQUIREMENT MAY BE SATISFIED THROUGH ANY COMBINATION OF HOURS WORKED AND PAID TIME OFF. AT THE BEGINNING OF EMPLOYMENT, IF AN EMPLOYEE WORKS LESS THAN THE MINIMUM NUMBER OF HOURS IN HIS/HER FIRST PAY PERIOD, HE/SHE WILL NOT ACCRUE VACATION TIME FOR THAT PAY PERIOD AND WILL BEGIN ACCRUING ON THE NEXT PAY PERIOD PROVIDED THE MINIMUM NUMBER OF HOURS IS REACHED. THE MINIMUM NUMBER OF HOURS IS AS FOLLOWS:**

- a. **FULL-TIME EMPLOYEES MUST MEET A MINIMUM OF SIXTY-FIVE (65) HOURS IN A BIWEEKLY PAY PERIOD;**
  - b. **FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT MUST MEET A MINIMUM OF FIFTY-FOUR (54) HOURS IN A BIWEEKLY PAY PERIOD;**
  - c. **BENEFITED PART-TIME EMPLOYEES MUST MEET A MINIMUM OF THIRTY-TWO POINT FIVE (32.5) HOURS IN A BIWEEKLY PAY PERIOD.**
45. THROUGH DECEMBER 31, 2012, ~~the~~ the effective date for change in the accrual rate is the first (1st) day of the month immediately following two (2) years of continuous employment.

**EFFECTIVE JANUARY 1, 2013, THE EFFECTIVE DATE FOR CHANGE IN THE ACCRUAL RATE IS THE FIRST (1ST) BIWEEKLY PAY PERIOD IMMEDIATELY FOLLOWING TWO (2) YEARS OF CONTINUOUS EMPLOYMENT.**

56. Eligibility to use accrued vacation ~~leave~~ TIME shall begin on the date of accrual for full-time and benefited part-time employees.

67. Former full-time employees who are hired into a full-time position from the reinstatement list or within one (1) year of the date of their separation shall begin accruing vacation leave-TIME at the same rate as they were at the time of separation.
- C. **Credited Service:** THROUGH DECEMBER 31, 2012, All periods of full-time City of Mesa employment after the employee's anniversary date are counted as credited service for the purpose of determining the date of change in accrual rate, including military service pursuant to ARS §26-168, §26-171, or §38-610, and any special leave of thirty (30) days or less. If a special leave exceeds thirty (30) days, the excess days over thirty (30) shall not be counted as credited service.
- D. **Accumulation:** The maximum accumulation of vacation leave-TIME is two hundred forty (240) hours for regular full-time employees, three hundred thirty-six (336) hours for firefighters PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT, and one hundred twenty (120) hours for benefited part-time employees. Employees who have in excess of the above amounts on December 31st of each year will be paid for the excess amount of leave-TIME after December 31st, provided the regular full-time employee has taken eighty (80) hours vacation leave-TIME, one hundred twelve (112) hours for firefighters PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT, and forty (40) hours for benefited part-time employees during that calendar year. If the employee has not taken the required amount of leave TIME during the year, all excess leave TIME shall be forfeited. DONATED LEAVE COUNTS AS USED VACATION TIME.
- E. **Use of Vacation Leave TIME:** Vacation leave-TIME may be taken at any time IF approved by the supervisor; the minimum unit allowed of IS one-quarter (¼) hour. Vacation leave-TIME shall not be advanced to an employee nor may vacation leave-TIME be transferred between employees unless authorized by the Department Director or City Manager designee in accordance with the Donated leave Program. (See Management Policy 317 - Donated leave Program)
- F. **Separation:** A full-time or benefited part-time employee who separates from City of Mesa employment shall be paid for all unused vacation leave-TIME.
- G. **Change in Benefits:** An employee who transfers from a benefited position to a non-benefited part-time position shall be paid for all unused vacation leave-TIME.

#### SECTION 43223. SICK LEAVE TIME

- A. **Definition:** Sick leave TIME includes all periods of approved absence with pay granted an employee due to:
1. Illness or injury, which renders the employee unable to perform the duties of the position. Minor, non-disabling injuries and illnesses do not qualify an employee for sick leave TIME.
  2. Disability caused by pregnancy, childbirth, miscarriage.
  3. Examination or treatment by a licensed health care practitioner.
  4. Illness, injury, examination or treatment by a licensed health care practitioner of a member of the employee's immediate family. For the purpose of this Section the term immediate family means the employee's spouse, child, stepchild, parent, stepparent, or

grandparent, MOTHER-IN-LAW, FATHER-IN-LAW, SISTER, SISTER-IN-LAW, BROTHER, BROTHER-IN-LAW, SON-IN-LAW, DAUGHTER-IN-LAW, STEPPARENT-IN-LAW, GRANDCHILD AND MINOR CHILD OR AN ADULT FOR WHOM THE EMPLOYEE IS A LEGAL GUARDIAN. ~~The amount of accrued sick leave days used for immediate family care shall be limited to thirty (30) working days per occurrence. (See Section 442—FMLA Regarding Total Leave Time Allowed)~~

5. **BEREAVEMENT TIME SHALL BE ALLOWED IN ACCORDANCE WITH SECTION 424.**

B. **Accrual:**

1. **THROUGH DECEMBER 31, 2012, A** ~~All~~ regular and probationary full-time City employees shall accrue sick leave **TIME** at the rate of eight (8) hours per month, eleven point two (11.2) hours per month for ~~Firefighters~~ **PERSONNEL** working a twenty-four (24) hour shift.

**EFFECTIVE JANUARY 1, 2013, ELIGIBLE EMPLOYEES WILL ACCRUE SICK TIME IN ACCORDANCE WITH THE FOLLOWING:**

- a. **FULL-TIME:**
    - **THREE POINT FIVE (3.5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = NINETY-ONE (91) HOURS.**
    - **AN ADDITIONAL FIVE (5) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF NINETY-SIX (96) HOURS PER CALENDAR YEAR.**
  - b. **FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT:**
    - **FIVE (5) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = ONE HUNDRED THIRTY (130) HOURS.**
    - **AN ADDITIONAL FOUR POINT FOUR (4.4) HOURS WILL BE GRANTED ON JANUARY 1 OF EACH YEAR FOR A TOTAL OF ONE HUNDRED THIRTY-FOUR POINT FOUR (134.4) HOURS PER CALENDAR YEAR.**
  - c. **BENEFITED PART-TIME:**
    - **ONE POINT SEVEN-FIVE (1.75) HOURS PER PAY PERIOD \* TWENTY-SIX (26) PAY PERIODS = FORTY-FIVE POINT FIVE (45.5) HOURS.**
    - **AN ADDITIONAL TWO POINT FIVE (2.5) HOURS WILL BE GRANTED ON JANUARY 1 EACH YEAR FOR A TOTAL OF FORTY-EIGHT (48) HOURS PER CALENDAR YEAR.**
2. **THROUGH DECEMBER 31, 2012, A** ~~All~~ benefited part-time employees shall accrue sick leave **TIME** at the rate of four (4) hours per month. Accrual will begin after six (6) months of continuous employment. **EFFECTIVE JANUARY 1, 2013, PART-TIME EMPLOYEES WILL BEGIN ACCRUING AS OF EMPLOYEE'S DATE OF HIRE.**
  3. **THROUGH DECEMBER 31, 2012, E** ~~Eligible~~ employees accrue sick leave **TIME** based on their anniversary dates. The anniversary date for an employee who is hired between the first (1st) and fifteenth (15th) days of a month inclusive shall be the first (1st) day of that month. The anniversary date for an employee who is hired between the sixteenth (16th) day and the end of the month inclusive shall be the first (1st) day of the month following employment.

4. ~~THROUGH DECEMBER 31, 2012, AaA full-time employee working an eighty (80) hour pay period shall not accrue sick leave TIME credits or accrue credited service for any calendar month in which the employee has been docked for more than three (3) normal work shifts (eight (8) to ten (10) hour shifts), including unpaid holidays. Fire personnel working a TWENTY-FOUR (24)-HOUR SHIFT one hundred twelve (112) hour pay period in which the employee has been docked more than thirty-six (36) hours, including unpaid holidays, shall not accrue sick leave-TIME credits or accrue credited service for any calendar month, IN WHICH THE EMPLOYEE HAS BEEN DOCKED FOR MORE THAN THIRTY-SIX (36) HOURS, INCLUDING UNPAID HOLIDAYS. A benefited part-time employee shall not accrue sick leave-TIME credits for any calendar month unless the employee has submitted at least thirty-four (34) hours of time worked (including paid leave TIME OFF) for each of the two (2) pay periods prior to the end of that month.~~

EFFECTIVE JANUARY 1, 2013, EMPLOYEES ACCRUE SICK TIME ONCE THEY HAVE MET A MINIMUM NUMBER OF HOURS IN A BIWEEKLY PAY PERIOD. THIS HOURLY REQUIREMENT MAY BE SATISFIED THROUGH ANY COMBINATION OF HOURS WORKED AND PAID TIME OFF. AT THE BEGINNING OF EMPLOYMENT, IF AN EMPLOYEE WORKS LESS THAN THE MINIMUM NUMBER OF HOURS IN HIS/HER FIRST PAY PERIOD, HE/SHE WILL NOT ACCRUE VACATION TIME FOR THAT PAY PERIOD AND WILL BEGIN ACCRUING ON THE NEXT PAY PERIOD PROVIDED THE MINIMUM NUMBER OF HOURS IS REACHED. THE MINIMUM NUMBER OF HOURS IS AS FOLLOWS:

- a. FULL-TIME EMPLOYEES MUST MEET A MINIMUM OF SIXTY-FIVE (65) HOURS IN A BIWEEKLY PAY PERIOD;
  - b. FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT MUST MEET A MINIMUM OF FIFTY-FOUR (54) HOURS IN A BIWEEKLY PAY PERIOD;
  - c. BENEFITED PART-TIME EMPLOYEES MUST MEET A MINIMUM OF THIRTY-TWO POINT FIVE (32.5) HOURS IN A BIWEEKLY PAY PERIOD.
5. Eligibility to use accrued sick leave TIME shall begin on the date of accrual for full-time and benefited part-time employees.
5. An employee who transfers from a benefited position to a non-benefited part-time position shall have their unused sick leave TIME hours frozen. The employee will not be able to accrue additional sick leave TIME or use the frozen sick leave-TIME until the employee transfers to a benefited position.
6. Former full-time employees who are hired into a full-time position from the reinstatement list or within one (1) year of the date of their separation shall be granted fifty percent (50%) of their forfeited sick leave-TIME balance upon hire.
- C. **Accumulation:** The maximum accumulation of sick leave TIME for full-time employees is one thousand forty (1,040) hours, for benefited part-time employees is five hundred twenty (520) hours, and one thousand four hundred fifty-six (1,456) hours for ~~Firefighters~~ PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT.
- D. **Automatic Conversion:** Any sick leave TIME accrued in excess of the maximum accumulation stated in Subsection C above, shall be automatically converted to vacation leave TIME on the

basis of one (1) hour of vacation leave **TIME** for every one (1) hour of excess sick leave **TIME** accrued.

- E. **Payment at Retirement/Death:** A regular full-time or benefited part-time employee who retires from City of Mesa employment or dies shall be compensated for all accumulated sick leave **TIME** at the rate of fifty percent (50%) of the accumulated sick leave **TIME** hours at the employee's ~~current pay range and step~~ **EFFECTIVE HOURLY RATE**.
- F. **Payment at Termination:** An employee who terminates City of Mesa employment for any reason other than retirement or death shall forfeit all accumulated sick leave **TIME**.
- G. **Use of Sick Leave TIME:**
1. Sick leave **TIME** may be taken at any time IF approved by the supervisor; **THE MINIMUM UNIT ALLOWED IS ONE-QUARTER (¼) HOUR**. The employee must notify the immediate supervisor within one-half (½) hour prior to the beginning of the work shift, unless the employee is unable to do so due to circumstances beyond the employee's control. Failure to report within the specified time period may result in the employee being docked a day's pay and subjected to disciplinary action. When the employee has returned to duty, a ~~Leave of Absence~~ form stating the reasons for the absence must be submitted **TO THE EMPLOYEE'S SUPERVISOR**. A licensed health care practitioner's release to return to work may be required for any non-FMLA absence per supervisory discretion.
  2. A Department Director (or designee) or City Manager designee may require submission of evidence from a licensed health care practitioner substantiating the need for sick leave **TIME**. If the Department Director (or designee) or City Manager designee determines the evidence is inadequate, the absence shall be charged to another **PAID TIME OFF** category of leave or considered an unauthorized absence.
  3. A Department Director (or designee) or City Manager designee may require an employee to be examined by a licensed health care practitioner designated by the City Manager or designee. If the licensed health care practitioner determines that the employee should not work due to illness or injury, the Department Director (or designee) or City Manager designee may place the employee on sick leave **TIME**, or if the employee's sick leave **TIME** is exhausted, on special leave without pay. If the licensed health care practitioner determines that the employee cannot perform the essential functions of his/her regular class, the employee may be transferred to a class for which the employee is suited or a reasonable accommodation may be made for the employee. The Department Director (or designee) or City Manager designee may require the employee to obtain approval from the licensed health care practitioner prior to the employee's returning to work or returning to his/her former class. The City shall pay for all examinations required pursuant to this paragraph. The employee shall not be charged any ~~leave~~ **PAID OR UNPAID TIME CATEGORIES** while participating in or traveling to or from any examination required pursuant to this paragraph.
  4. For all non-FMLA illness related absences, sick leave **TIME** will be used first, following if needed and with supervisor approval, by other forms of leave **PAID TIME OFF** or dock status. For FMLA -related absences, see Management Policy 345 - Family Medical Leave Act (FMLA) for use of time.
  5. For an approved leave in which an employee receives a short-term disability payment from a City-sponsored program, the employee may use up to thirty (30) days of accrued

~~leave during the elimination period. At the start of the short term disability payment, the employee's sick leave and vacation leave will be frozen. At the end of the short term disability payment, if the employee has not returned to work, the employee may begin using accrued sick or vacation leave if needed.~~ **SICK TIME SHALL NOT BE ADVANCED TO AN EMPLOYEE NOR MAY SICK TIME BE TRANSFERRED BETWEEN EMPLOYEES.**

#### **SECTION 43324. BEREAVEMENT LEAVE TIME**

- A. **Authority:** Regular or probationary full-time employees and benefited part-time employees may be granted paid bereavement leave TIME due to a death in the employee's immediate family.
- B. **Definition:** For the purpose of this Section the term immediate family means the employee's spouse, child, stepchild, mother, father, sister, brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-parent, step-parent-in-law, grandparent, grandchild, aunt, uncle, and former legal guardian, or a minor child or an adult for whom the employee is a legal guardian.
- C. **Amount of Leave TIME:** For full-time employees, an absence up to forty FIFTY (450) work hours will be allowed for bereavement leave TIME for funerals/memorial services. Thirty FORTY (340) work hours will be paid as bereavement leave TIME; however, the additional ten (10) hours, if taken, will be charged to sick or vacation leave ANY PAID OR UNPAID TIME OFF CATEGORY AT THE EMPLOYEE'S DISCRETION. For sworn fifty six (56) hour Fire employees PERSONNEL WORKING A TWENTY-FOUR (24) HOUR SHIFT, AN ABSENCE OF UP TO forty-eight (48) work hours (two [2] consecutive work shifts) will be allowed and paid as bereavement-leave TIME for funerals/memorial services.

For benefited part-time employees, up to twenty-FIVE (205) work hours will be allowed for bereavement leave- TIME for funerals/memorial services. Fifteen UP TO TWENTY (15 20) work hours will be paid as bereavement leave TIME; however, the additional five (5) hours, if taken, will be charged to sick or vacation leave ANY PAID OR UNPAID TIME OFF CATEGORY AT THE EMPLOYEE'S DISCRETION.

- ~~D. **Chargeability:** For full-time employees thirty (30) work hours of leave will be charged to bereavement leave. The additional ten (10) hours, if taken, will be charged to sick or vacation leave for full-time employees. For sworn fifty six (56) hour fire employees, forty-eight (48) hours of leave will be charged to bereavement leave. For benefited part-time employees fifteen (15) work hours of leave will be charged to bereavement leave. The additional five (5) hours, if taken, will be charged to sick or vacation leave for benefited part-time employees.~~

#### **SECTION 43425. INDUSTRIAL INJURY PROGRAM - WORKERS' COMPENSATION LEAVE**

(See Management Policy 346 - Industrial Insurance Program)

- A. **General:** An employee who sustains a job-related disability that is compensable under the Workers' Compensation Law may be placed on the Industrial Insurance Program. This program is an additional benefit offered by the City of Mesa and will supplement the Workers' Compensation wages as established by state statute for a period not to exceed one thousand forty (1,040) hours for full-time employees and one thousand four hundred fifty-six (1,456) hours for firefighters. During the period of job-induced disability, the employee's vacation and sick leave TIME accrual may be frozen and merit increases shall not be granted. If the employee returns to work and must go back on Workers' Compensation at a later date due to the same

injury, the employee's benefits will be based on the pay range and step at the time of the original injury.

- B. **Restriction:** An employee who refuses industrial compensation shall not be allowed to use sick leave **TIME**.
- C. **Eligibility:** The benefit will not exceed one thousand forty (1,040) hours for full-time employees and one thousand four hundred fifty-six (1,456) hours for firefighters. Part-time employees are not eligible for this program.
- D. **Absence From Work:** An employee who is absent from work due to an industrial injury will have this time designated as Family Medical Leave (See Section 44250) from the first day off from work.
- E. **Chargeability:** For full-time employees who are injured on the job, the time off work shall be charged to industrial dock. The minimum unit allowed for Industrial injury and industrial dock time is one-quarter ( $\frac{1}{4}$ ) hour increment.

Holiday pay will not be paid for non-essential personnel who are receiving industrial dock pay the day before and the day after a holiday.

#### **SECTION 43526. JURY DUTY OR WITNESS LEAVE TIME**

A full-time or benefited part-time employee who is subpoenaed as a witness or summoned for jury duty (**OTHER THAN SWORN POLICE EMPLOYEES SUMMONED IN CONNECTION WITH PERFORMANCE OF OFFICIAL DUTIES**) must notify his/her supervisor of the subpoena or summons in advance of the performance of this duty. ~~The City will pay the difference between the employee's salary and any fee received.~~ **FOR ALL TIME THAT THE EMPLOYEE IS ABSENT FROM WORK, THE CITY WILL PAY THE EMPLOYEE AT HIS/HER EFFECTIVE HOURLY RATE.** Documentation is required with the ~~leave TIME OFF~~ request. **ALL ELIGIBLE EMPLOYEES (INCLUDING** Benefited part-time employees and employees working an alternative work schedule) only receive jury duty or witness leave **TIME** pay if summoned on a scheduled work day/HOURS. The employee may retain any travel pay received.

#### **SECTION 43627. MILITARY LEAVE**

The City of Mesa complies with the requirements of the Uniformed Services Employment And Reemployment Rights Act (USERRA). The City Manager may amend the benefits extended by this policy that go beyond those required by USERRA. (See Management Policy 338 - Military Leave)

#### **SECTION 4430. UNPAID LEAVES-TIME OFF**

- A. **Leave PAID TIME OFF Accrual:** An employee on an unpaid ~~leave TIME OFF~~ in excess of three (3) normal work shifts in a calendar month does not accrue sick leave **TIME** or vacation leave **TIME** during the period of the unpaid ~~leave TIME OFF~~.
- B. **Stability Pay:** An employee on unpaid ~~leave TIME OFF~~ for more than thirty (30) consecutive calendar days does not accrue credited time toward the award of stability pay while on the unpaid ~~leave TIME OFF~~.

- C. **Merit Review Date:** When an employee returns to work after an unpaid leave TIME OFF of more than thirty (30) consecutive calendar days, the employee's Merit Review Date will be adjusted to reflect the time absent from work while on the unpaid leave TIME OFF.
- D. **INSURANCE PARTICIPATION: EMPLOYEES ON UNPAID TIME OFF FOR A FULL PAY PERIOD THAT IS NOT COVERED UNDER FMLA ARE RESPONSIBLE FOR THE PAYMENT OF THE CITY AND EMPLOYEE PORTION OF THE INSURANCE PREMIUM FOR THE COVERAGE THEY DESIRE. EMPLOYEES MUST MAKE THE PAYMENT DIRECTLY TO THE PAYROLL OFFICE.**

#### SECTION 4140. SPECIAL LEAVES

- A. A special leave is any absence from work in excess of thirty (30) consecutive calendar days that is not covered by the Family Medical Leave Act (FMLA), **CRIME VICTIMS' RIGHTS ACT** or Military Leave. In addition, a special leave is **any** additional time-off required after exhaustion of FMLA. Special leave includes, but is not limited to: extended use of sick, vacation, or dock leave PAID AND UNPAID TIME OFF; leave for a non-FMLA eligible employee; or leave for a non-FMLA eligible circumstance. Special leaves may be for a medical or non-medical reason.
- B. **Approval:** Special leaves must be approved in advance and in writing by the Deputy City Manager or the DEPUTY City Manager or THEIR designees WHO ARE NOT THE DEPARTMENT HEAD.
- C. **Use of Leave-TIME:** An employee may be required to exhaust any available leave balances PAID TIME OFF CATEGORIES prior to using unpaid leave TIME.
- D. **Return to Work:** An employee who is able to return to work after a period of special leave is entitled to a position in the class held at the start of the special leave, if such a position is available and funded. If such a position is not available and funded, the employee may be terminated.
- E. **Insurance Participation:** Employees on UNPAID special leaves – FOR A FULL PAY PERIOD THAT IS NOT COVERED UNDER FMLA ~~without pay~~ are responsible for the payment of the ~~entire~~ CITY AND EMPLOYEE PORTION OF THE insurance premium for the coverage they desire. ~~Each such employeeS~~ must make the payment directly to the Payroll Office.

#### SECTION 4250. FAMILY AND MEDICAL LEAVE

The City of Mesa supports and complies with the Federal Family And Medical Leave Act of 1993 (FMLA), as amended. The City Manager may amend the benefits extended by this policy that go beyond those required by FMLA. (See Management Policy 345 - Family Medical Leave Act [FMLA])

#### SECTION 4360. CRIME VICTIM'S LEAVE RIGHTS ACT

(See Management Policy 344 - Victim's Leave)

- A. **Eligibility:** Pursuant to ARS §8-420 and ARS §13-4439 all employees who have been a victim of a crime or have an immediate family member who has been killed or incapacitated due to a crime may take leave TIME to attend certain court proceedings OR TO OBTAIN OR ATTEMPT TO OBTAIN AN ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR ANY OTHER INJUNCTIVE RELIEF TO HELP ENSURE THE HEALTH, SAFETY OR

WELFARE OF THEMSELVES OR THEIR CHILD (AS OUTLINED IN THE STATUTES). IN ADDITION, THE CITY ALLOWS ANY EMPLOYEE WHO HAS CUSTODY OF A MINOR CHILD WHO HAS BEEN A VICTIM OF A CRIME (AS DEFINED IN STATE LAW) TO USE VICTIM TIME CONSISTENT WITH THIS RULE.

- B. **Use of Leave TIME:** Employees granted time off under this policy ~~must first use all accrued compensatory time, followed by accrued vacation leave, followed by accrued sick leave followed by special leave.~~ **SECTION MAY USE PAID TIME OFF OR UNPAID TIME OFF FOR THEIR ABSENCE. THERE IS NO LIMIT TO THE AMOUNT OF TIME AN EMPLOYEE MAY TAKE OFF FOR APPROVED VICTIM TIME.**
- C. **Requesting Leave TIME:** Employees must notify their supervisors of the requested time off and provide their supervisors with a copy of the court or prosecutor's notice of the criminal proceeding **IN ADVANCE OF THE PROCEEDING.** Employees must also submit a leave of absence request prior to attending such proceedings.

#### **SECTION 4570. SHORT-TERM DISABILITY BENEFIT**

- A. **General:** The short-term disability benefit may be used when a full-time employee is off work due to an employee illness or injury for more than the policy elimination period. The employee may use sick leave TIME first, followed by vacation leave TIME if needed during the elimination period prior to becoming eligible for the short-term disability benefit. If the elimination period is in conjunction with FMLA Leave (See Section 450) if not concurrent with FMLA leave, special leave will apply (See Section 440 Special Leave) At the start of the short-term disability payments the employee's remaining accrued sick and vacation leave TIME will be frozen. An employee may not use the short-term disability benefit to care for a family member.
- B. **Eligibility:** A full-time employee must be enrolled in and accepted by the short-term disability carrier prior to his/her disability effective date to be eligible to use this benefit. Program eligibility is determined by the contracted provider and not the City of Mesa.
- C. The short-term disability benefit is for a period not to exceed six (6) months after the elimination period.
- D. **Insurance Participation:** An employee on leave TIME covered by the short-term disability benefit is responsible for the employee portion of the insurance premium for the coverage he/she desires. Each such employee must make the payment directly to the Payroll Office.
- E. **Family Medical Leave Act:** An employee may use the short-term disability benefit in conjunction with Family and Medical Leave. (See Section 450) if not concurrent with FMLA Leave, special leave will apply. (See Section 440 Special Leaves)

#### **SECTION 4580. INSURANCE PROGRAMS**

- A. **Eligibility:** All regular full-time employees are eligible to participate in any insurance program offered by the City. (See Plan Document on the Internet – Benefits link)

All benefited part-time employees are eligible to participate in City insurance programs after six (6) months of continuous employment.

**B. Waiting Period:**

1. If an employee has continued insurance on a direct pay basis while on special leave, there will be no waiting period for the insurance to remain effective.
2. If the employee has not continued insurance on a direct pay basis while on special leave, the insurance coverage may be reinstated in accordance with the options provided in the Plan Document on the Internet – Benefits link.

**SECTION 4690. TRAINING PROGRAMS**

- A. **Responsibility:** Department Directors, City Manager designees and the Human Resources Director have joint responsibility to ensure that all eligible employees receive necessary training. Supervisors, Department Directors and City Manager designees have the responsibility to utilize the Employee Development Guide (provided by the Human Resources Employee Development Office) to ensure employees complete required training courses within stipulated time frames. Supervisors should encourage and provide employees sufficient opportunity to attend courses as recommended by the Guide, that **WHICH** will further enhance competencies, knowledge, skills and abilities.
- B. **Required Training:** The City shall pay all approved costs associated with the attendance by an employee at any course, seminar, workshop, etc., required of the employee. The employee shall not be charged any ~~type of leave~~ **PAID OR UNPAID TIME OFF CATEGORIES** while in attendance at such a course, but shall be considered to be on duty while at the course or proceeding to or from the course.
- C. Temporary agency workers (with the exception of Interns) and contract workers are generally not eligible to take City training classes. Seasonal City employees are generally not eligible to take City training classes unless required by the City or requested by the supervisor. Volunteers may take City training classes on a space available basis.

**SECTION 47095. TUITION REIMBURSEMENT**

**Eligibility:** To qualify for tuition reimbursement, employees must be on regular full-time or benefited part-time status prior to the first day of the course. Full-time civilian employees must have successfully completed initial regular employment probation, full-time sworn police/fire employees and benefited at-will employees must have successfully completed one (1)-year of continuous service prior to the first day of the course. (See Management Policy 335 - Tuition Reimbursement)

## CHAPTER 5: CONDITIONS OF EMPLOYMENT

### SECTION 510. STANDARDS OF CONDUCT

- A. **General:** In addition to the conduct prohibited to all Arizona public employees by ARS §38-501 through ARS §38-505, ARS §38-531, and ARS §38-532, a violation of the Standards of Conduct listed in Subsection B below, or Article IX, Section 902, of the Mesa City Charter, is cause for discipline or dismissal of a City employee. (See also Section 930 Dismissal)
- B. **Causes for Discipline or Dismissal:**
1. Incompetence or inefficiency in the performance of duties.
  2. Abusiveness in attitude, language, or conduct to the public, wards of the City, or fellow employees.
  3. Violation of any policy or procedure, lawful or official regulation or order or failure to obey any lawful and reasonable direction given by the employee's superior officer or supervisor.
  4. a. The use or possession of drugs, unless:
    - 1) such use or possession is pursuant to orders from a duly licensed physician as part of a lawful course of treatment, or unless
    - 2) in the case of a vapor releasing substance containing a toxic substance, such use or possession is consistent with manufacturer's instructions and is authorized by the City for the performance of certain job-related functions.
  - b. The use or possession of alcohol while on duty or during a break therefrom (including meal breaks), or reporting for duty under the influence of alcohol or with a detectable odor of alcohol on one's breath or about one's person.
  5. Accepting a bribe in the course of work or in connection with it.
  6. Using, threatening to use, or attempting to use undue influence, extortion or blackmail in securing employment benefits or advantages for the employee or any other person.
  7. Conduct of a type that will bring discredit or embarrassment to the City.
  7. Conviction of or failure to report conviction of any felony or conviction of a misdemeanor involving moral turpitude.
  9. **KNOWINGLY OR INTENTIONALLY FALSIFYING** creation of City documents or records, making false statements concerning duties with the City, making false statements to supervisor or other management employee, making false, incomplete, or misleading statements to any individual to obtain benefits, or using fraud to secure an appointment with the City.

10. Causing bodily injury to person(s), theft of or damage to public property or wasting public supplies due to negligence or willful misconduct.
11. Being absent from duty without authority.
12. Engaging in outside business activities on City time or using City property for personal use unless authorized by written City or departmental administrative policy.
13. Engaging in unlawful harassment or discriminatory conduct against another employee or applicant for employment on the basis of race, gender, religion, color, national origin, age, marital status, or disability or engaging in retaliation against another for filing a complaint or participating in any investigation. (See Management Policy 308 – Workplace Harassment and Discrimination Policy)
14. Failure to maintain minimum standards, licenses, or qualifications required for any position.
15. Failure of an employee to operate a City vehicle in a safe and lawful manner. (Disciplinary action for moving violations received will be based upon the severity of the moving violation and the number of violations in a one [1] year period.)
16. Knowingly destroying, deleting or altering documents (including e-mail or computer files) that are related to an investigation.

## SECTION 520. WORK RULES

- A. **Work Week:** The work week for all employees is the period of seven (7) consecutive days starting Monday at 12:01 a.m. and ending Sunday at 12:00 a.m. midnight. The standard work week for full-time employees, including administration and fire prevention personnel of the Fire Department, shall be forty (40) hours per week (**SEE WORK PERIOD FOR FIRE PERSONNEL WORKING A TWENTY-FOUR [24]-HOUR SHIFT**). The standard work week for all other Fire Department personnel shall be fifty-six (56) hours per week.
- B. **WORK PERIOD:** THE WORK PERIOD FOR ALL FIRE PERSONNEL WORKING A TWENTY-FOUR (24)-HOUR SHIFT IS A PERIOD OF TWENTY-SEVEN (27) DAYS, STARTING AT 12:01 A.M. ON DAY ONE (1) AND ENDING AT 12:00 P.M. MIDNIGHT ON DAY TWENTY-SEVEN (27).
- C. **PAY PERIOD:** A PAY PERIOD IS DEFINED AS TWO (2) WORK WEEKS. PAY CHECKS ARE ISSUED EVERY OTHER THURSDAY FOR THE TWO (2) WEEKS THAT ENDED AT MIDNIGHT THE PREVIOUS SUNDAY.
- BD. **Rest Periods:** Each employee may have one (1) separate rest period of fifteen (15) minutes, each four (4) hour period during the work day, which shall be counted as time worked. Rest periods shall not be combined so as to provide an extended rest period or meal break or to shorten the work day unless approved by the Deputy City Manager or City Manager designee due to operational needs. If an employee is required to work during either or both of the normal rest periods, the time worked shall not be considered as qualifying for overtime or compensatory leave TIME. Supervisors will determine the rest period schedule. **REASONABLE BREAK TIMES WILL BE AFFORDED TO NURSING MOTHERS IN ACCORDANCE WITH THE MANDATES OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

- GE. **Meal Breaks:** Unless otherwise stated by department regulations, each employee shall receive a meal break which shall normally be thirty (30) minutes to one (1) hour each day. The employee shall not be paid for the meal break and is not subject to recall for duty during this period. If it is determined to be in the best interest of the City government, the City Manager or designee may authorize some employees to eat a meal during the hours of work. In such instances the employee is subject to recall at any time, and must not leave the work premises unless authorized. Supervisors will determine the meal break length and schedule.
- F. **THE CITY RESERVES THE RIGHT TO ESTABLISH AN EMPLOYEE'S WORK SCHEDULE IN ACCORDANCE WITH OPERATIONAL NEEDS.**

### SECTION 530. PERFORMANCE EVALUATIONS

- A. **General:** Each City employee shall receive a performance appraisal as scheduled in Subsection B below. The performance appraisal will be accomplished on forms approved by the Human Resources Director. (See Management Policy 300 - Performance Appraisal Program)
- B. **Frequency:** Performance appraisal reports shall be completed two (2) weeks prior to the completion of any probation, and two (2) weeks prior to any scheduled merit increase. All appraisals shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file. All employees shall be evaluated at least once per year.
- C. **Rating Authority:** An employee's supervisor shall be that employee's rating authority.
- D. **Reviewing Authority:** The head of each department is designated as the official reviewing authority.
- E. **Review:** Each employee shall be allowed to review the completed appraisal form. The employee shall sign the appraisal to acknowledge receipt and shall receive a copy of the completed appraisal. The original copy of all appraisal forms shall be submitted to the Human Resources Director for filing in the employee's personnel file. (See Management Policy 300 - Performance Appraisal Program)

The employee shall be given three (3) working days after signing the appraisal to make comments on the form. In cases of employee illness or other extenuating circumstances, the supervisor may allow more time for comments.

- F. **Special Rating Periods:** A supervisor may initiate a special performance appraisal when there is a change in an employee's work performance or employment status.
- G. **Grievance:** If an employee receives a performance appraisal that results in the denial of a merit increase, the employee may submit a grievance as provided for in Section 710 E, F, and G.

### SECTION 540. PROBATION

- A. **Types of Probation:** The types of probation allowed in City of Mesa employment are initial regular employment probation, promotional probation, voluntary demotion probation, and disciplinary probation.

- B. **Credit for Provisional City of Mesa Employment:** Time accrued as a provisional appointee immediately prior to appointment in an initial regular employment status shall be credited to the initial regular probationary time requirement.
- C. **Part-Time to Full-Time Employment:** Part-time employees reclassified to a full-time classification shall serve an initial regular employment probation as specified in Subsection D below.
- D. **Initial Regular Employment Probation:**
1. **Duration:** The duration of initial regular employment probation shall be:
    - a. Eighteen (18) months for Police Officer-Recruits required to attend a Police Training Academy.
    - b. Fifteen (15) months for Police Officers who are lateral entry candidates at the time of their entrance and who are not required to attend a Police Training Academy.
    - c. Twelve (12) months from the date of reclassification from Firefighter Recruit to Firefighter upon completion of the Fire Training Academy and receipt of required certifications.
    - d. Twelve (12) months for all other full-time employees not referenced in Section 540 D 1 a, b, and c above.
  2. **Extensions:** Probation may be extended one (1) time in writing with the approval of the Department Director or City Manager designee. The extension shall not exceed the original probation period.

The probationary period shall be extended for the corresponding period for which the probationary employee is absent from work for any reason for thirty (30) or more consecutive working days. Absences for less than thirty (30) working days shall not extend the initial regular employment probation period.
  3. **Completion of Probation:** A performance rating that satisfies the requirements of the department on the final evaluation shall confirm the probationer to regular City of Mesa employment status after the completion of the required probationary period. An employee placed on initial regular employment probation shall receive a written performance evaluation prior to the end of the probation period. If the completed probationary evaluation is not reviewed by the probationer by the last day of the probation period, the probationer will be considered to have successfully completed probation.
  4. If the Department Director or City Manager designee determines at any time during an initial regular employment probationary period that the services of the probationary employee are no longer required for any reason, or for no reason, the employee may be dismissed without the right of appeal. The employee shall be provided a copy of the Notice of Dismissal.

**E. Promotional Probation:**

1. An employee who is promoted shall serve a promotional probation period of twelve (12) months under the same rules as an initial regular employment probation. If the employee has previously completed an initial regular employment probationary period, Subsection D. 4. shall not apply.
2. An employee who fails to successfully complete a promotional probationary period shall revert to the former position or a position in the same class within the former department the employee previously occupied without a pre-deprivation hearing. If a vacant position in the same class is not available, the employee may be terminated and request to be placed on an employment list for which the employee is qualified. The employee shall receive a pre-deprivation hearing prior to the termination in accordance with Section 930 of these rules.

**F. Disciplinary Probation:**

1. The Department Director or City Manager designee (or authorized representative), may place an employee on probation for a disciplinary purpose. Disciplinary probation will not exceed twelve (12) months and cannot be extended beyond its original length.
2. Disciplinary probation will be based on infractions as outlined in Section 510. Disciplinary probation is intended to notify the employee that any act(s) by the employee, which could result in further disciplinary action, occurring while the employee is on disciplinary probation, may be grounds for demotion or dismissal.
3. While on disciplinary probation, an employee will not be allowed to compete in any promotional testing and will have the salary set by the department at a rate no more than the current salary and no more than five percent (5%) below that salary. The employee's salary will be frozen for the duration of the probation period.
4. If an employee's merit review falls during the disciplinary probation period the review may take place, but no merit increase will be granted. The merit performance appraisal may be deferred until such time as the employee is removed from disciplinary probation status or the rater may complete the evaluation and indicate merit denied (at which time the employee will not be eligible for the next merit increase until one (1) year from the original merit date). (See Section 330 E) A deferred merit shall be effective following the completion of the disciplinary probation. An employee placed on disciplinary probation shall be formally evaluated at least once at the halfway point and again prior to the end of the disciplinary probation period.
5. Upon recommendation of a disciplinary probation with a reduction in pay, the employee will be notified that a pre-deprivation hearing will be held by the Department Director or, designated acting Department Director, City Manager designee, or acting City Manager designee. The employee will be given not less than one (1) working day's notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See Management Policy 339 - Implementing Corrective Action and Discipline for Pre-Deprivation Hearing Guidelines)

6. An employee on disciplinary probation may apply for positions that would be a demotion, or may apply for a transfer to a position at the same pay range.
7. The disciplinary probation form is signed by the employee or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

**G. Voluntary Demotion Probation:**

1. An employee placed in a position due to a voluntary demotion shall serve a probation period of twelve (12) months.
2. An employee shall serve a voluntary demotion probation under the same rules as an initial regular employment probation. If the employee has previously completed an initial regular probationary period, Subsection D 4 shall not apply.

**SECTION 550. ALCOHOL, DRUG, AND/OR CONTROLLED SUBSTANCE TESTING**

The City will conduct alcohol, drug, and/or controlled substances testing under all circumstances required by federal or state law. In addition, the City may conduct substance abuse testing when permitted by law. This may include, but not be limited to: pre-employment or pre-placement testing, reasonable suspicion testing, random testing, post accident testing, and follow-up testing. For further information (See Management Policy 316 - Drug Free Workplace Program)

**SECTION 560: ADMINISTRATIVE LEAVE**

- A. **Authority:** A Department Director or designee or City Manager designee may place an employee on administrative leave.
- B. **Duration:** Administrative leave shall not extend beyond ninety (90) days without notification to the City Manager (or designee), Assistant City Manager, or Deputy City Manager. **FOR THE LENGTH OF ADMINISTRATIVE LEAVE THE CITY WILL PAY THE EMPLOYEE AT HIS/HER EFFECTIVE HOURLY RATE.**
- C. **Chargeability:** The leave TIME will be charged to administrative leave.

## CHAPTER 6: CHANGES IN ASSIGNMENT

### SECTION 610. PROMOTION

**A. Eligibility:**

1. Promotional examinations are open to all City of Mesa employees who meet the minimum qualifications, except that an employee who has been demoted at his/her own request or for cause may not compete in a promotional examination for ninety (90) days after the effective date of the demotion. This limitation may be waived by the Deputy City Manager or City Manager designee with approval of the Human Resources Director and the City Manager.
2. If two (2) or more qualified employees apply for a promotional opening, the Human Resources Director may require a competitive examination to determine the best qualified candidate.

**B. Merit Review Dates:**

1. Upon promotion an employee shall be given a Merit Review date per Section 330 E, effective at the time of appointment.
2. If an employee's Merit Review date in the former class falls within one (1) calendar month of the date of promotion, the employee shall receive both the merit increase and the promotional increase.

**C. Probation Date:** See Section 540 C, D, and E for probation requirements.

### SECTION 620. TRANSFER

- A. Intra-Department Transfer:** A Department Director or City Manager designee after review by the Human Resources Director, may transfer an employee to a different position within the department at the same pay range.
- B. Inter-Department Transfer:** An employee may be transferred to a different position in the same pay range in another department with the approval of both Deputy City Managers and/or City Manager designees and review by the Human Resources Director.
- C. Reason for Transfer:** An employee may be transferred at the employee's request, for the convenience of the City, or because the employee is no longer capable of performing the functions of the position.
- D. Qualifications:** A transferred employee must meet the minimum qualifications for the class to which the employee may be transferred.
- E. Multiple Requests:** If two (2) or more employees request transfer to the same vacant position not in their department, the Human Resources Director may require examination in the same manner as for promotional vacancies. If an employee requests a transfer for which the employee is qualified and such a position is not open, the employee's name may be placed on an employment list for that classification.

### SECTION 630. SPECIAL ASSIGNMENT

- A. **Authority:** A Department Director or City Manager designee may place an employee on-special assignment for assuming higher level job responsibilities than normally covered by the employee's job classification.
- B. **Duration:** Special assignments shall not extend beyond a period of twelve (12) months. Requests for an extension of up to an additional twelve (12) months shall be reviewed and approved by the City Manager or designee, Assistant City Manager, or Deputy City Manager.
- C. **Sworn employees:** Sworn employees serving in a rotational capacity can be placed on special assignment for up to two (2) years. After 2 years, special assignments will be subject to a yearly renewal and approval at the discretion of the City Manager or designee.
- D. **Compensation:** An employee placed on special assignment shall receive a five percent (5%) salary increase to compensate the employee for the higher level work performed. The City Manager or designee, Assistant City Manager, or Deputy City Manager may authorize a salary increase of up to ten percent (10%) as appropriate.

An employee assigned on special assignment for less than one (1) pay period shall receive the same salary as before the assignment. An employee on special assignment for more than one (1) pay period may receive a salary at the higher pay range if recommended by the Department Director or City Manager designee.

- E. **Merit Increases:** During the period of a special assignment, the employee's merit review date does not change, and the employee will continue to receive merit increases based on the schedule established at the employee's regular class.

## CHAPTER 7: GRIEVANCE PROCEDURE

### SECTION 710. GRIEVANCES

The City of Mesa recognizes the meaningful value and importance of full discussion in resolving misunderstandings and preserving good relations between management and employees. Should a condition exist which an employee feels is unsatisfactory, it is important that the employee attempt to resolve it with department management. If attempts at informal resolution fail, then the employee should consult the grievance procedure if applicable.

A. **Grievable Issues:** A classified employee may submit a grievance only when:

1. The City of Mesa Personnel Rules or the written rules and procedures of any City department have allegedly been misinterpreted or misapplied as to that employee.
2. The employee ~~has been alleged~~ **THAT HE/SHE HAS BEEN** unlawfully harassed or discriminated against because of race, color, religion, gender, age, national origin, or disability, **GENETIC INFORMATION, CRIME VICTIMS' RIGHTS STATUS OR ANY OTHER PROTECTED STATUS** as provided under ANY applicable state or federal laws. Any employee (classified or at-will) may, ~~ALTERNATIVELY~~ **ALTERNATIVELY** submit a complaint under Management Policy 308 as applicable.
3. The employee has been denied a regularly scheduled merit increase. (See Section 530 G)

B. **Non-Applicable Matters:** Unless the grievance is based on Section 710 A 2, grievances concerning the following matters shall not be processed:

1. Retirement systems;
2. Any insurance program in which the City participates;
3. Any examination, certification, or appointment;
4. Any classification action;
5. Any reduction in force action;
6. Any matter not subject to the control of the City government;
7. Complaints by at-will employees.

C. **Restrictions:** Unless the grievance is based on Section 710 A 2, a classified employee may not submit a grievance challenging the following management rights:

1. The City's right to direct its employees;
2. The City's right to hire, promote, transfer, assign, and retain employees;
3. The City's right to maintain efficiency of governmental operations, and to determine the methods, means, and personnel by which these operations are to be conducted.

- D. **Eligibility:** The grievance procedure is open to classified employees only.
- E. **Submission of Grievance:** A grievance regarding non-disciplinary matters that complies with Section 710 A must be submitted to the Department Director or City Manager designee. If the subject of the non-disciplinary grievance is the Department Director or the City Manager designee, the grievance may be submitted directly to a Deputy City Manager or, for employees of the Police Department, to the City Manager with a copy to the Human Resources Director. A grievance regarding formal disciplinary matters (written reprimand, suspension, disciplinary probation, demotion) must be submitted to a Deputy City Manager or, for employees in the Police Department, to the City Manager with a copy to the Human Resources Director. If the subject of the disciplinary grievance is the Deputy City Manager, the grievance may be submitted directly to the City Manager with a copy to the Human Resources Director. Grievances must be submitted within fifteen (15) days, starting from the day after the occurrence that caused the grievance (See Section 710 G). Grievances submitted after this date shall not be accepted.
- F. **Content:** A grievance must be submitted in writing and must contain at a minimum:
1. The employee's name, department, and classification;
  2. The filing date of the grievance;
  3. A complete statement of all facts and circumstances concerning the grievance, and the specific redress sought;
  4. The specific rule alleged to have been violated for any grievance alleged noncompliance with the Personnel Rules or the rules and procedures of any department;
  5. A summary of the efforts made to resolve the grievance informally;
  6. Any additional information pertinent to the grievance;
  7. Grievances not containing the above information shall not be accepted.
- G. **Procedure:** The employee who has a grievance will submit it as stated in this Section. With the exception of the City Manager, the City shall respond in writing to the employee within fifteen (15) days of receipt of the employee's grievance. The City may extend this timeline with the concurrence of the employee. If the grievance is not resolved, the employee may submit the grievance within ten (10) days of the action to the City Manager, with copies to the supervisor, Department Director, Deputy City Manager or City Manager designee, and the Human Resources Director. The City Manager will review the grievance and shall issue a written decision to the employee within thirty (30) days of receipt by the City Manager. The thirty (30) day period may be extended should circumstances arise that preclude the City from completing the review in a timely manner. The decision of the City Manager is final on all grievances. If the grievance concerns a suspension or demotion, the City Manager may request a review by the Personnel Appeals Board. The Personnel Appeals Board will render a written advisory opinion to the City Manager within five (5) days of the hearing.

## CHAPTER 8: DISCIPLINARY ACTIONS

### SECTION 810. TYPES OF DISCIPLINARY ACTIONS

- A. The City Manager has the authority to oversee and coordinate Citywide disciplinary action (discipline that impacts multiple departments) and processes to ensure consistent application of rules and policies.
- B. Disciplinary corrective actions taken against City employees shall be limited to the following:
  - 1. Written reprimand;
  - 2. Disciplinary probation;
  - 3. Suspension;
  - 4. Demotion;
  - 5. Dismissal.

Note: There is no requirement to use these disciplinary actions in the order in which they appear. There are no pre-deprivation hearing requirements for giving written reprimands, disciplinary probation unless it includes a reduction in pay, or suspensions of sixteen (16) hours or less.

- C. For disciplinary and termination purposes, classified employees are entitled to the due process, grievance, and appeal procedures provided under these Personnel Rules and by law. At-will employees are entitled only to the processes afforded to at-will employees by law. At-will employees are protected by state and federal employment anti-discrimination laws and are not entitled to the due process grievance procedures provided under these personnel rules. Dismissal of at-will employees other than part-time, seasonal, temporary, and employees on initial City probation, shall require the approval of the City Manager or Assistant City Manager.
- D. **Non-Disciplinary Corrective Actions:** Non-disciplinary corrective actions include, but are not limited to, written counseling and corrective action plans.

### SECTION 820. SUSPENSION

- A. **Authority:** A Department Director or designated acting Department Director, or City Manager designee or designated acting City Manager designee may suspend an employee from the employee's position at any time for a violation of the Standards of Conduct listed in Section 510 of these Rules.
- B. **Duration:** No employee may be suspended for a period of longer than two hundred forty (240) work hours (equivalent to thirty 30 eight [8] hour work days), nor shall any employee be suspended for more than two hundred forty (240) working hours in any twelve (12) month period. Suspension hours shall be based on the employee's normal work schedule. Suspensions for exempt employees may be imposed in one or more full-day increments for serious workplace misconduct including, but not limited to, sexual or workplace harassment, workplace violence, drug or alcohol violations, safety rules of major significance or violations of state or federal laws.

Suspensions for other forms of misconduct for exempt employees must be for a minimum of one (1) week, forty (40) consecutive hours in duration.

- C. **Notification:** A suspended employee shall be notified of the suspension on a Notice of Suspension form stating the reasons for the suspension and its duration, which shall be provided to the employee prior to the start of the suspension. A copy of the Notice of Suspension form will be forwarded to the Human Resources Director or designee within twenty-four (24) hours of its presentation to the suspended employee.
- D. **Pre-Deprivation Hearing:** Upon recommendation of a Notice of Suspension of more than sixteen (16) work hours (equivalent to two [2] eight [8] hour work days), the employee will be notified of the charges and that a pre-deprivation hearing will be held by the Department Director or, designated acting Department Director, or City Manager designee or designated acting City Manager designee. The employee will be given not less than one (1) working day's notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See Management Policy 339 - Implementing Corrective Action and Discipline)
- E. **Grievance:** Refer to Section 710.
- F. **Insurance Premiums:** The City will not pay any portion of any employee insurance premium during the period of a thirty (30) day suspension. A suspended employee who wishes to continue any insurance coverage must pay the premium directly to the Payroll Office.

## SECTION 830. DEMOTION

- A. **Authority:** A Department Director or the designated acting Department Director, or City Manager designee or designated acting City Manager designee, may demote an employee for any of the following reasons:
  - 1. Violation of the Standards of Conduct listed in Section 510;
  - 2. Inability of the employee to meet the requirements of the employee's position;
  - 3. At the request of the employee;
  - 4. For the convenience of the City;
  - 5. Failure of a promoted employee to meet the minimum job requirements to which promoted.
- B. **Notification:** A demoted employee shall be notified of the demotion on a Notice of Demotion form, if the demotion is provided for under Section 830 A 1, or 2, or 5. An employee demoted under Section 830 A 3, or 4 will be treated as any other personnel change. A statement of the reasons for the demotion shall be included with all demotions. The notification must be given to the employee prior to the effective date of the demotion.
- C. **Pre-Deprivation Hearing:** Upon recommendation of a demotion, under Section 830 A 1, or 2, or 5, the employee will be notified of the charges and that a pre-deprivation hearing will be held by the Department Director or, designated acting Department Director, or City Manager designee or designated acting City Manager designee. The employee will be given not less than

one (1) working day's notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See Management Policy 339 - Implementing Corrective Action and Discipline) If a demotion will result in a termination due to no available position, the decision will be forwarded to the City Manager or Assistant City Manager for approval.

- D. **Assignment:** A demoted employee will be placed in a position in a class for which qualified at the pay range at which demoted.
- E. **Grievance:** Refer to Section 710 for demotions under Section 830 A 1, or 2, or 5.
- F. **Position Availability:** An employee demoted as defined by Subsection A 1, 2, 3, or 5 above may only be placed in a currently existing and vacant position in a classification for which the employee is qualified. If no position is currently existing and vacant at the time the employee is demoted, the employee shall be terminated and placed on an employment list for a classification for which the employee is eligible.
- G. **Merit Review:** A demoted employee shall be eligible for a merit review in one (1) year. A demoted employee will be given a new Merit Review Date which shall be as follows:  
  
If the demotion is from the 2nd through 16th day of month, the merit review date is one (1) year later on the 16th of the month.  
  
If the demotion is from the 17th through 1st day of the month, the merit review date is one (1) year later on 1st day of the following month.
- H. **Probation:** An employee demoted as defined by Subsection A 1 shall be placed on disciplinary probation for a minimum of ninety (90) days, but not more than one (1) year. An employee demoted as defined by Subsection A 2, 3, and 5 above, shall be placed on probation for a period of one (1) year. An employee demoted as defined by Subsection A 4 above, will not be placed on probation if they have completed initial regular employment probation.

## CHAPTER 9: SEPARATIONS

### SECTION 910. RESIGNATION

- A. **Requirements:** An employee who wishes to leave the City of Mesa employment in good standing shall file a written resignation with the Department Director or City Manager designee at least fourteen (14) days prior to the employee's final work day. The Department Director or City Manager designee may waive this requirement. The written resignation shall be forwarded to the Human Resources Director.
- B. **Failure to Meet Requirements:** An employee who fails to comply with the requirement for resignation in good standing cited in Subsection A above may be denied authority to take any competitive examination for future employment.
- C. **Withdrawal:** An employee who has submitted a resignation may withdraw this resignation with the consent of the Department Director or City Manager designee, provided the employee's position has not been filled by another employee.
- D. **Medical Retirement:** An employee who is unable to work due to a medically certified disability may apply for medical retirement. This application shall be treated as the resignation from City employment upon decision from the provider. A medically retired employee will be eligible to continue insurance coverage as an employee for the duration of the medically certified disability.
- C. **Constructive Discharge:** Per ARS §23-1502 employees who wish to claim constructive discharge must give the City advance notice of their intent to resign due to working conditions that are so difficult or unpleasant that a reasonable employee would feel compelled to resign. An employee must notify an appropriate representative of the City in writing. The City of Mesa will respond in writing to the employee's concerns within fifteen (15) days of the constructive discharge notice. Under the law, an employee may be required to wait for fifteen (15) calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the City. An employee may be entitled to paid or unpaid leave-of-absence **TIME OFF** of up to fifteen (15) calendar days while waiting for the City to respond to the employee's written communication about the employee's working condition.

### SECTION 920. REDUCTION IN WORKFORCE

- A. **Authority:** The Human Resources Director and the Deputy City Manager or City Manager designee, with the approval of the City Manager, may institute a reduction in workforce of employees whenever necessary due to lack of funds or work. The Human Resources Director, the Deputy City Manager or City Manager designee, and the City Manager shall determine the number and classes of employees to be laid off.
- B. The City shall adopt procedures for the reduction in workforce (RIWF) in accordance with Management Policy 353 – Reduction in Workforce (RIWF), as issued by the City Manager.
- C. **Reduction in Workforce (RIWF) List:** An employee who is laid off or placed in another position as the result of a RIWF will be placed on a RIWF list to be considered for re-employment to his/her previously held position, unless the employee opts out. Employees may remain on a

RIWF list for a period time identified in the RIWF Management Policy 353 – Reduction in Workforce (RIWF).

### SECTION 930. DISMISSAL

A. **Authority:** The Department Director or the designated acting Department Director, or City Manager designee, or designated acting City Manager designee, may dismiss an employee from City of Mesa employment for a violation of the Standards of Conduct listed in Section 510 of these Rules, or for a physical or mental disability which renders the employee incapable of performing the normal requirements of the employee's position.

B. **Pre-Deprivation Hearing:** Once the recommendation has been made to terminate a classified City employee, Department Director or, designated acting Department Director, or City Manager designee or designated acting City Manager designee must notify the employee of the charges and schedule a pre-deprivation hearing. The employee will be notified not less than two (2) working days (two [2] calendar days for sworn Fire Department employees) in advance of the hearing. The employee will be allowed to bring a personal representative and any pertinent information to the hearing. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See Management Policy 339 - Implementing Corrective Action and Discipline for Pre-Deprivation Hearing Guidelines)

The hearing shall be recorded or documented by a memo to the City Manager discussing what took place at the hearing. The person conducting the hearing will carefully weigh the information provided. If the decision is made to dismiss the employee, the person conducting the hearing will complete a Notice of Dismissal and forward to the City Manager or designee for approval. Once a Notice of Dismissal has been signed by the City Manager or designee, it will be personally given to the employee or sent by certified mail to the employee.

C. **Notification:** The City Manager or designee shall sign a written form, which shall constitute the Notice of Dismissal. This notice shall clearly state the specific charges made against the employee, and shall be personally served on the employee or mailed by certified mail to the employee's most recently recorded address. If served personally, the employee shall be requested to sign a copy of the Notice of Dismissal for the City records. The service of notice shall be witnessed by a third party (if the employee refuses to sign the Notice of Dismissal, the witness will sign as "Witness" in lieu of the employee). If the Notice of Dismissal is accomplished by certified mail, a return receipt will be requested and the returned receipt shall be attached to the copy of the Notice of Dismissal filed with the Human Resources Director.

D. **Appeal:** Any regular classified employee may appeal his/her dismissal in writing within ten (10) days to the City Manager or designee. Within fifteen (15) days of the receipt of the appeal, the City Manager will either render a written decision to the employee or refer the appeal to the Personnel Appeals Board. If the employee is not satisfied with the decision of the City Manager or designee, the employee may request a Personnel Appeals Board hearing. Such a request must be forwarded to the City Manager or designee in writing by certified mail or hand delivered within five (5) days of the receipt by the employee of the City Manager's or designee's decision. The Personnel Appeals Board will be contacted by the Personnel Office upon receipt of the hearing request. Every attempt will be made to schedule the hearing at the earliest possible mutually convenient time. The Personnel Appeals Board will render a written advisory opinion to the City Manager or designee within five (5) days of the hearing.

## **PROFESSIONAL CONDUCT (ETHICS)**

The City of Mesa expects and promotes the highest standards of ethics from all of its employees, officials, volunteers and temporary workers, whether hired, elected, appointed or acting as a representative of the City. City employees and officials retain positions of public trust and must afford fair and equal opportunity to conduct business with the City. (See Management Policy 354 – Professional Conduct [(Ethics)])

## LOYALTY OATH

I, the undersigned, hereby execute this document in compliance with Arizona Revised Statutes, Section §38-231:

### OFFICERS AND EMPLOYEES REQUIRED TO TAKE LOYALTY OATH; FORM; CLASSIFICATION; DEFINITION

- A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.
- B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.
- C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section §13-2301 the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.
- D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.
- E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:

As an employee of the City of Mesa, I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of my position with the City of Mesa, Arizona, according to the best of my ability, so help me God (or so I do affirm).
- F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

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