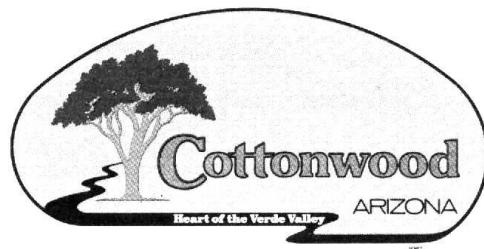


# **City of Cottonwood – Employee Manual**

**2007 EDITION Including Revisions Number 1. Effective November 7, 2008**

# **City of Cottonwood**

## **Arizona**



## **Employee Manual**

**2007 EDITION**

**Effective June 2007  
Revision No. 1 Effective Nov. 7, 2008**

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## **SECTION 1:**

### **GENERAL POLICY STATEMENT**

The City of Cottonwood is an Equal Opportunity Employer, and it is the ~~equal opportunity employment policy of the City to make all recruitment, hiring, and placement decisions, as well as other employment decisions, on the basis of the qualifications of the individuals considered for the position to be filled, without regard to race, ethnicity, religion, color, age, sex, national origin, sexual orientation, veteran's status, or non-disqualifying handicap.~~

~~This Employee Manual does not form a contract of employment between the City of Cottonwood and any individual employee. It does, however, constitute the policies of the City adopted for the management of its work force in effect at the time of adoption of this Employee Manual, and, as such, may be amended from time-to-time by the City Council as it deems appropriate, with proper notice pursuant to the Arizona Open Meeting Law.~~

~~This Employee Manual supersedes any ordinance, resolution, manual, policy, or other statement, or portion thereof, of the City of Cottonwood, or any department or division of the City, inconsistent herewith.~~

## **SECTION 2:**

### **AFFIRMATIVE ACTION**

By policy and preference, the City of Cottonwood reaffirms its continuing commitment to afford to all individuals, who have the necessary qualifications, equal opportunities to compete for employment with, and advancement within, the City. To assure full, equal employment opportunities, there shall be no discrimination against any individual or group based on race, ethnicity, age, sex, religion, color, national origin, sexual orientation, veteran's status, or non-disqualifying physical handicap. This commitment will apply to all personnel actions, including the following: Recruiting, hiring, transfers, promotion, compensation, employee benefits, training, layoff and recall practices, discipline, dismissal, and all other terms, conditions, and privileges of employment.

Maintenance of full, equal employment opportunities shall be the goal, not only of the City of Cottonwood as an organization, but of each of its officers and employees. The City of Cottonwood acknowledges that adherence to this commitment will provide benefits both to its employees and to the City through full utilization and development of qualified human resources.

In addition to the responsibility of each officer and employee to assure achievement of full, equal employment opportunities, the responsibility for monitoring and investigating complaints pursuant to this commitment is assigned to the Human Resources Manager (HRM).

The HRM shall be responsible for assuring that all personnel decisions, as detailed herein, are taken in complete accordance with this commitment. In addition, any questions, complaints or suggestions from employees, the City Council, or other interested persons, shall be dealt with by the HRM as expeditiously as possible. The HRM shall assure that all advertising for the purpose of recruitment shall indicate that the City of Cottonwood is an Equal Opportunity Employer, and in all other group matters shall assure that employees and applicants are fully aware of the high priority that the City places on this commitment. Employees may discuss concerns or complaints of discrimination with the HRM without fear of reprisal; however, employees are strongly encouraged to discuss all personnel issues with their respective, first-line supervisor whenever possible under the prevailing facts and circumstances.

**SECTION 3:**

**AMENDMENT AND REVISION OF POLICIES AND PROCEDURES**

~~Proposed amendments and revisions to these policies may be suggested to the City Council by interested persons. The Council may, by Ordinance or Resolution, change or modify these policies as may from time-to-time be appropriate. Amendments and revisions to these policies shall become effective upon adoption of an appropriate Ordinance or Resolution by the City Council.~~

## **SECTION 4:**

### **VIOLATIONS AND PROCEDURES**

~~Violations of the provisions contained in this Employee Manual shall be grounds for rejection, suspension without pay, demotion, or other disciplinary action up to, and including, dismissal.~~

## SECTION 5:

### MASCULINE & EMPLOYEE CLASSIFICATION

- A. **Masculine:** The terms "he", "his" and "him" refer to either gender, not to be discriminatory, but to avoid the cumbersome terms of "he/she" and "him/her" in this Employee Manual.
- B. **Employee Classification:** To avoid confusion, the following employee classification definitions are provided:
  - 1. **Classified:** An employee occupying a full time position that has been approved by the City's classification plan, and who has completed his position's orientation period. This position's classification may be identified as exempt or non-exempt.
    - a. Exempt: Position does not qualify to receive overtime compensation based on the Fair Labor Standards Act of the federal government.
    - b. Non-Exempt: Position qualifies to be compensated for overtime per the Fair Labor Standards Act.
  - 2. **Classified (at will / orientation):** New hire employee or an existing employee new to a specific position who has been approved by the City's classification plan and has not completed his position's orientation period (6 or 12 months, depending on the position).
  - 3. **Seasonal:** A temporarily approved employee that is assigned to a seasonal position that has been approved by the City's classification plan as an over-hire. This position does not receive benefits.
  - 4. **Part-time / Temporary:** A temporarily approved over-hire assigned to a specific position on an as needed, temporary basis. This position does not receive benefits. This classification of employee may not work more than 20 hours per week for more than 20 weeks in a fiscal year, which is calculated from July 1<sup>st</sup> to Jun 30<sup>th</sup>.
  - 5. **Volunteer:** A person who does not receive a salary or benefits and donates their time to help in a department. The exception to this

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classification is a Volunteer Fire Fighter who is compensated for his efforts and receives specific benefits.

## **SECTION 6:**

### **CITY GOVERNMENTAL ORGANIZATION**

A. **Purpose:** To outline the City's Governmental Organization.

B. **Organization:**

1. **City Council:** The City of Cottonwood is organized under the Council/Manager form of Municipal Government. All corporate powers are vested in the Mayor and six (6) Council Members, all of whom are elected at large. All powers of the Council are exercised by Ordinance, Resolution, Order, or Motion.
2. **Mayor and Vice-Mayor:** The Mayor is elected at large by the citizens of Cottonwood. The Council Members select among their membership the Vice-Mayor. The Mayor is the Chief Executive Officer of the City.
3. **Appointive Officers:**
  - a. **City Manager:** The City Manager is appointed by the Council and is the head of the Administrative Branch of the City. He is given specific direction and control by the Mayor and Council, and serves at their pleasure.
  - b. **City Attorney:** The City Attorney is appointed by the Council and is the head of the Legal Department of the City. He is given specific direction and control by the Mayor and Council and serves at their pleasure. He works closely with the City Manager, and assists in carrying-out the mandates of the City Manager and the Council.
  - c. **City Magistrate:** The Magistrate presides over the Municipal Court. The Magistrate is appointed by the Council and serves a term of two years, subject to Arizona law.

## **SECTION 7:**

### **PERSONAL APPEARANCE POLICY**

- A. Purpose: It is the policy of the City of Cottonwood that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.
- B. Policy:
  - 1. Employees are expected at all times to present a professional, business-like image to the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Department Heads are allowed to deviate from this general policy for specific, job-related functions requiring departures from conventional dress. Examples would include, but would not be limited to, Police, Fire, and Utility personnel working special details as determined by their respective Department Heads.
  - 2. Office personnel, and any employee who has regular contact with the public, must comply with the following personal appearance standards:
    - a. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire.
    - b. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible, regardless of length.
    - c. Sideburns, moustaches, and beards should be neatly trimmed.
    - d. Tattoos and body piercing (other than earrings) will be left to the discretion of the respective department heads, working in concert with the City Manager and City Attorney.
  - 3. Employees who do not regularly meet the public may dress to meet the basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit.

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4. Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
5. At a particular Department Head's discretion, working in concert with the City Manager and City Attorney, employees may be authorized to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance, and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing. Exceptions to this general requirement include peace officers working in special assignments.
6. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy may additionally result in disciplinary action.

## **SECTION 8:**

### **THE COMPENSATION PLAN**

- A. **Purpose:** To outline the City's policy toward the compensation and merit status of City employees. The City will not discriminate in compensation of its personnel based on race, ethnicity, color, religion, sex, age, sexual orientation, veteran's status, or non-disqualifying handicap or national origin.
- B. **Policy:**
  - 1. The City of Cottonwood does hereby adopt a merit system of employment for the employees of the City. These provisions apply to all employees of the City, except elected and appointed officials, including the City Manager, City Attorney, City Magistrate, members of Boards and Commissions, those employees designated in the Disciplinary Section as serving at the pleasure of the City Manager, persons engaged under contract to supply professional or technical services, temporary employees, probationary employees, and volunteer personnel who receive no regular compensation from the City.
    - a. **Classification:** The City Manager, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the classified service and, after consultation with the heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by department class specification, including all job titles and salary ranges.
    - b. **Adoption, Amendment, and Revision:** The classification plan shall be adopted, and may be amended from time-to-time, by the City Council. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the City Manager.
    - c. **New Positions:** When a new position is created, the classification plan shall be amended to provide an appropriate job description and an accompanying compensation schedule shall be drafted and submitted to the City Manager for review and approval. The City Manager shall present all new positions and compensation schedules to the City Council for its consideration and approval.

- d. **Re-Classification:** Re-classification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.
- e. **Assignment of Positions:** Following the adoption of the classification plan, the City Manager, with the advice of the department head/s concerned, shall assign every position in the classified service to one of the classes established by the plan.

**C. Compensation:**

- 1. **Preparation of Plan:** The City Manager, or the person or agency employed for that purpose, shall prepare a pay plan covering all ranges or positions in the classified service. The City Manager, or the person or agency employed for that purpose, shall, thereafter, make such further studies of the pay plan as may be required by the City Council.
- 2. **Adoption, Amendment, or Revisions of the Plan:** The pay plan shall be adopted, and may be amended and revised from time-to-time, by action of the City Council.
- 3. **Application of Rates:** Employees occupying a position in the city service shall be paid a salary or wage established for that position's range under the pay plan. The lowest rate of pay designated for a range shall normally be offered for recruitment purposes, and shall normally be paid upon appointment to the class. Initial compensation at a rate higher than minimum rate for the range shall be approved by the City Manager. An employee may be paid greater than the lowest pay designated for a range (for each year of directly related experience) up to the midpoint of the range, upon employment, if approved by the City Manager. In some cases, an employee may be hired at-or-above the mid range for the position, upon recommendation of the City Manager, and with approval of the City Council.
- 4. **Merit Increases:** Merit increases shall not be automatic, but shall be based on performance. The merit program is based on a one year performance period that ends on the anniversary date, for that employee's most current position. The amount of increase will take into account the achievement level attained by each employee. A Cost Of Living Adjustment (COLA) may be granted each year in addition to a merit increase, to all employees whenever approved by the City Council.

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5. **Timing of Merit Increases:** All newly hired employees, or employees new to a specific position, are eligible for a merit increase after six (6) months, equal to one-half of an annual merit increase. At the end of the annual performance review period, these employees are then eligible for an increase equal to one half of an annual merit increase, which may need to be pro-rated. Annual merit increases may be attained thereafter, based on each individual's performance, and upon approval of the City Manager, based on the availability of funds.
  - a. A completed Performance Evaluation Form must accompany each merit pay increase.
  - b. The effective date of a merit increase shall be as of the Performance Evaluation period or as otherwise established.
6. **Appointed Positions:** Salaries and merit reviews for the City Manager, City Magistrate, and City Attorney shall be determined by the City Council. The City Manager and the City Attorney may meet annually with the Council in Executive Session to discuss their salary and benefits for their respective positions. This discussion of the Mayor and Council shall be presented publicly in open session when the Council re-convenes its regular meeting in order to make a final decision on the salary and benefits for the City Manager and City Attorney. The City Magistrate serves a two-year term, pursuant to terms of appointment, mutually agreed upon by the Council and the City Magistrate. The terms of the appointment may be discussed in Executive Session, however, the final decision of the Mayor and Council as discussed in Executive Session shall be presented publicly when the Council re-convenes its regular meeting.
7. **Effect of Improvement Plan:** If the employee is placed on an improvement plan upon receiving their performance review, he may not be entitled to a merit increase. Upon successful completion of an improvement plan, however, the employee may be retroactively awarded his merit increase based on the approval of the City Manager.
8. **Pay Plan Adjustment:** The City Manager may recommend an upward or downward adjustment to the pay plan on an annual basis, at the same time the annual preliminary budget estimates are submitted for adoption.
9. **Seasonal Appointment/Part Time Employment:** A Department Head may, with the approval of the City Manager, compensate employees at an hourly rate of pay, when conditions of employment such as summer work or other

seasonal variations warrant such action. Such hourly rates shall be established by the City Manager.

10. **Temporary Assignment:** Upon the recommendation of a Department Head, and upon approval of the City Manager, an employee may be assigned on a temporary basis to a higher than that which is normally covered by his job classification. The employee will be paid at the minimum entry level of the higher class, or at an increment of ten percent (10%) above his regular rate of pay, whichever is greater.
11. **Employee Promotion:** An employee that is promoted into a higher class position, upon the recommendation of a Department Head and upon approval of the City Manager, will be paid at the minimum entry level of the higher class, or at an increment of ten percent (10%) above his regular rate of pay, whichever is greater.
12. **Approval:** The Department Head, the Human Resources Manager and the City Manager must sign all changes of status involving salary or position changes.
13. **Clothing Allowance and Uniforms:** Clothing allowance and uniform privileges shall be set by the Council and administered by the City Manager.

## **SECTION 9:**

### **HOURS OF WORK AND WORK WEEK**

**A. Purpose:** To establish the basic hours for work for City departments and outline the City's policy toward rest periods.

**B. Policy:**

1. An eight-hour work day, forty-hour week is basic for most City departments. Hours in certain departments may be scheduled to meet operating requirements.
2. The standard work week begins at 12:01 a.m. Sunday, and ends at midnight the following Saturday. The standard work period for fire and police personnel is established by the respective Department Heads of those agencies, and shall be in compliance with the Fair Labor Standards Act and applicable State law.
3. A rest period of fifteen minutes will normally be provided during each half of an eight hour shift for all employees. Break times will be scheduled and monitored by the Department Head and/or the immediate supervisor.
4. Employees shall be in attendance at their work in accordance with the policies regarding hours of work, holidays, and various forms of leave. All employees, with the exception of Appointed Officers, or those employees deemed by the City Manager to be exempt, shall keep a daily record of hours claimed against the City. The employee will complete and sign a timesheet of the hours claimed in accordance with the City's financial operations guide. All Department Heads will keep daily attendance records of all employees under their supervision. Failure of an employee, absent without leave, to return to duty within 48 hours, shall be classified as an unauthorized absenteeism and shall be cause for immediate dismissal.

## **SECTION 10:**

### **OVERTIME COMPENSATION POLICY**

**A. Purpose:** To outline the City's policy on overtime compensation.

**B. Policy:**

1. Work shall be organized so that overtime is avoided except in extreme or emergency conditions, and it is the City's desire to keep all overtime to a minimum. Any overtime shall receive prior approval in writing and/or shall be in writing and signed off after the fact by the employee and supervisor on the employee's time sheet. Departments shall develop internal policies prior to accrual of time, and for tracking the employee's time. This policy shall be used for the purpose of determining accrual time and tracking with a maximum of 60 accrued hours as noted in the following paragraph. It is recognized that deviations from this general policy may be warranted. For example, Police, Fire, Public Works and Public Utilities workers may be called out for emergencies with virtually no prior notice. In those cases, the respective Department Head shall timely advise the City Manager and Finance Director, as may be appropriate under the prevailing facts and circumstances.
2. Overtime hours will be calculated in compliance with the Fair Labor Standards Act or State law, as may be applicable. The City has established a seven day work period (Sunday, 12:00 midnight, through Saturday, at 11:59 p.m.). Overtime pay and compensatory time off will be calculated at one-and-one-half times the regular rate of hourly pay for any time physically worked over 40 hours in the designated seven (7) day work period. When an employee is off on paid leave, such as sick leave, holiday, vacation time, jury leave, etc., and the employee is completely relieved of all duties, such time is not hours worked for purposes of calculating overtime. When an employee is required to work overtime in a designated work week, it is the employee's option whether to receive pay or compensatory time off for any additional hours worked. All employees whose position is subject to being filled 24 hours per day / 7 days per week are limited to an accrued maximum of 60 compensatory hours at any given time. Except for Fire Fighters on a 24/48 shift, they may accrue a maximum of 84 compensatory hours at any given time. All other employees are limited to an accrued maximum of 40 hours compensatory hours at any given time. Employees who are required to work overtime and accrue more than the maximum hours of compensatory time off shall be paid for any additional time above the maximum allowed. Employees with less than the maximum hours of accrued compensatory

~~time off must inform their supervisor, before the overtime hours are approved, or when approved after the fact, as to how they are to be compensated. The supervisor shall then approve the employee's documented selection as noted on the employee's time sheet. Notwithstanding the preceding paragraph, emergency call-outs for particular departments may be cause for deviation from this policy. In those cases, the particular Department Head involved shall work with the City Manager and City Finance Director to reach a viable solution.~~

- ~~3. Employees who work overtime, and/or who may be placed on an on-call status, shall be required to document their overtime time in 15-minute increments. Supervisors and the effected Department Heads shall be responsible for validating this time, as well as assuring that the overtime time complies with the above maximum allowable compensatory time policy. The City's minimum call out time is one (1) hour or as may be otherwise specified by a particular department policy.~~
- ~~4. Certain employees and officials are exempt from overtime compensation. The determination that a position is exempt from the overtime requirements of the Fair Labor Standards Act shall be in compliance with the Act.~~

## **SECTION 11:**

### **LEAVE**

**A. Purpose:** To outline the City's policy on leave.

**B. Policy:**

**1. Sick Leave:** Sick leave with pay shall be granted to all classified employees occupying positions approved in the City's classification plan. Sick leave will not be granted to temporary or seasonal employee appointments. Sick leave shall not be considered as a right which an employee may use at his discretion, but shall be allowed only in the case of necessity and actual personal sickness or disability. Sick leave for eligible employees is earned at one day per calendar month from date of employment. Classified Employees who work less than 2080 hours per year will be credited sick leave on a prorated basis. Sick leave is a privilege granted by the City, not a form of additional vacation. Employees who have completed five years of continuous employment will be paid upon separation from employment for all hours of sick leave accrued in excess of four hundred and eighty hours (480) to a maximum of one thousand and forty hours (1040), for a maximum payout of five hundred sixty (560) hours. Sick leave will continue to accumulate above 1040 hours but will not be compensated upon termination.

Fire Fighters on a 24/48 shift will accrue sick leave at a different rate schedule (11.2 hours per month) than noted above for Classified Employees. Fire Fighters who have completed five years of continuous employment will be paid upon separation from employment for all hours of sick leave accrued in excess of six hundred and seventy hours (670) to a maximum of one thousand four hundred and fifty hours (1450), for a maximum payout of seven hundred eighty (780) hours. Sick leave will continue to accumulate above 1450 hours but will not be compensated upon termination.

Misuse of sick leave is cause for disciplinary action. Any employee who has exhausted his sick leave may substitute his accumulated vacation leave upon permission of the City Manager. In order to receive compensation while absent on sick leave, the employee shall notify his immediate supervisor prior to, or within, two hours after the time set for beginning daily duties. When absence is for more than two work days, or at the request of the Department Head, the employee may be required to file a physician's certificate with the Department Head stating the cause of the absence. All sick leave for family members will be in accordance with the federal law as outlined in the Family Medical Leave Act.

2. **Worker's Compensation in Relation to Sick Leave:** Employees are covered by the City under the Arizona State Workmen's Compensation Act, ARS, Title 23, Chapter 6, Worker's Compensation, against most injuries and illness occurring in the course of City employment. The law provides for payment of medical expenses and, under certain circumstances, compensation for loss of income. To establish entitlement, it is mandatory that every job-related injury or illness, regardless of severity, be immediately reported to a supervisor, and a written report prepared and submitted to the Human Resources Manager.

~~Worker's Compensation, except for payment of medical expenses, shall not be paid for the first seven (7) days after injury or illness. If the disability extends beyond that seven day period, Worker's Compensation shall begin on the eighth day. If this continues beyond the thirteenth day, compensation shall be computed and made retroactive to the date of injury or illness. These are standards set by State law, and may be modified from time to time.~~

~~All employees receiving paid sick leave while receiving Worker's Compensation shall remit all funds received under Worker's Compensation to the City, and may choose the following leave option/s to be paid the employee's full salary during this time. When on Worker's Compensation, the employee is required to use up his accrued leave time before being placed on Family Medical Leave Act (FMLA) leave. The employee will be considered to be on sick leave during his absence until his sick leave is exhausted. Such hours will be used on a pro rata basis. In other words, each day of leave will only use up one third of a sick day.~~

~~Once the employee's sick leave is exhausted, he will be considered as being on vacation leave until that category of leave is exhausted as well. The employee's vacation hours will also be used on a pro rata basis. In other words, each day of leave will only use up one third of a vacation day.~~

~~Following the exhaustion of the employee's vacation leave, you will be placed on FMLA leave for up to twelve weeks. You have the option of exhausting your sick leave and then going on FMLA leave while retaining your vacation time. This would require you to only receive your Worker's Compensation benefits, minus any voluntary payroll deductions. You would have to report to work after your FMLA leave is exhausted or face the possibility of termination. You will need to notify the City if you wish to exercise this option.~~

3. **Absence from Employment for Military Duty:** Military leave shall be granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). All employees entitled to military leave shall give their supervisors an opportunity, within the limits USERRA regulations, to schedule such leave.
4. **Leave of Absence Without Pay:** The City Manager, with the approval of the City Council, may grant any classified employee a leave of absence without pay for not more than three months. A leave of absence which qualifies under the provisions of the Family and Medical Leave Act may be granted for up to twelve (12) weeks. Failure of an employee on leave to report promptly upon expiration of such leave shall be cause for dismissal. No vacation or sick leave benefits will accrue during periods of leave without pay. The employee may, at his expense, maintain insurance benefits during a period of approved leave without pay. During Family and Medical Leave Act leaves of absence, health insurance will be maintained under the same conditions as if the employee had been continuously employed during the entire leave period.
5. **Leave of Absence With Pay:** Leave with pay for sufficient cause (including illness), may be granted to classified employees of the City only by express approval of the City Manager, not to exceed 30 calendar days. For medical related leaves, all sick leave shall be exhausted before a leave of absence with pay shall be approved. City Council approval is required for all leave in excess of 30 calendar days. The 30 calendar days will be calculated from the first day that all accrued leave has been exhausted.
6. **Jury Leave:** Every employee of the City who is called or required to serve as a juror shall be entitled to be absent from his duties with the City during the period of such service, or while necessarily being present in court as a result of such call.
  - a. It is understood that this allowance covers only time lost while actually engaged on jury duty, and no provision is made or intended to cover payment of lost time outside of regular jury hours, with the exception that time spent traveling to and from court for jury duties does qualify as part of the jury duty process.
  - b. Employees are expected to report daily to work before and after jury service when possible, in order to give as much attention as possible to their regular duties.

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- c. ~~All pay received by the employees from the court while serving on jury duty will be deposited with the City Finance Department. The employees will receive regular pay, while reimbursement for mileage does not have to be reported. The employee will thus receive his regular rate of pay, as this procedure prevents payment from two public bodies for the same amount of time in the public service.~~
- 7. **Maternity/Paternity Leave:** All maternity leave will be in accordance with federal law, as further outlined in the Family Medical Leave Act
- 8. **Other Leave:** Other leave shall be defined as follows:
  - a. ~~Appearance in court as a witness in the employee's own defense, or to comply with a subpoena.~~
  - b. ~~Absence to attend authorized instruction directly related to the employee's duties.~~
- 9. **Family/Funeral Leave:** Absence to attend a funeral of a member of immediate family. Immediate family shall be defined to include:

<del>Mother</del>	<del>(or in-law)</del>	<del>Husband</del>
<del>Father</del>	<del>(or in-law)</del>	<del>Wife</del>
<del>Sister</del>	<del>(or in-law)</del>	<del>Step child</del>
<del>Brother</del>	<del>(or in-law)</del>	<del>Step-parent</del>
<del>Daughter</del>	<del>(or in law)</del>	<del>Grandchild</del>
<del>Son</del>	<del>(or in law)</del>	<del>Grandparent</del>
<del>Niece/Nephew</del>		<del>Aunt / Uncle</del>
<i><del>In Loco Parentis</del></i>		

~~The definition of *In Loco Parentis* refers to a person acting on, in behalf, or in lieu, of the natural parents in the rearing of a child.~~

~~Funeral leave may be granted by the Department Head for up to three days for in state funerals, and up to five days for out of state funerals. This period of time may be increased by permission of the City Manager, depending on the prevailing facts and circumstances surrounding the death, included, but not limited to, travel arrangements, inclement weather, distance to services and place of internment, etc.~~

10. **Administrative Leave:** Administrative leaves are a privilege, granted solely at the discretion of the City Manager, and the approval or denial of a request for such leave is not subject to appeal. Administrative leave in increments of less than eight hours may be approved by the Department Head. All Department Head administrative leave must be approved by the City Manager. Administrative leave for reasons other than those set forth in the Leave Section may be granted up to 40 hours per calendar year for Department Heads, overtime-exempt employees, and up to 20 hours per calendar year for non-exempt employees.
11. **Family and Medical Leave:** Family and medical leave shall be granted in accordance with the provisions of the Family and Medical Leave Act (FMLA).
  - a. Employees are covered under the FMLA if:
    - i. The employee has been employed for at least twelve (12) months before asking for FMLA leave (the 12 months need not be during a consecutive 12 month period);
    - ii. The employee has performed 1250 hours of service for the City during the preceding 12 month period.
  - b. For purposes of calculation, the twelve (12) month period will begin the date of the first day of leave taken. For example, an employee gets ill and takes FMLA leave from June 1, 2007 to June 14, 2007. Their year to use the 12 weeks of FMLA is from June 1, 2007 to June 1, 2008.
  - c. Eligible employees are entitled to FMLA leave (12 weeks of protected, unpaid leave) for four (4) reasons:
    - i. The birth of a baby or to care for a newborn;
    - ii. To care for an adopted child or foster care child;
    - iii. To care for the qualified employee's child, parent or spouse with a serious health condition; or
    - iv. Because of a serious health condition that prevents the eligible employee from performing the essential functions of his job.
  - d. Employees may take leave continuous or intermittent as required by the certifying health care provider.

- e. Employees are required to use any accrued leave (sick, vacation, comp time, or personal time) they have with the City while they are on FMLA leave. Once the accrued leave runs out, the employee will be on leave without pay and the employee will not continue to accrue leave while on unpaid leave.
- f. When completing the timesheet for time used during FMLA, designate FMLA leave on the timesheet in the section for comments, whether it is paid or unpaid.
- g. Job restoration:
  - i. Upon returning from FMLA leave, the employee must be restored to his original job, or to an equivalent job with equivalent pay, benefits, and working conditions. The equivalent position shall substantially entail equivalent skill, effort, responsibility, and authority.
  - ii. Any employee who obtains FMLA leave fraudulently is not protected by the FMLA's job restoration or maintenance of health benefits provisions.
  - iii. Any employee deemed to be a "key employee" (i.e., Department Heads, Appointed Officers, Administrative Coordinators, etc.) may not have full protection under FMLA because their absence from the City may cause disruption and undue hardship to the City's ability to function at the level deemed appropriate by the City Manager and/or the Mayor and City Council. The general definition of a "key employee" as an eligible employee who is among the top 10 (ten) percent of paid employees. If reinstating a "key employee" will cause the City substantial and grievous economic injury, the City may refuse to reinstate the employee after he exhausts all FMLA leave.
- h. The employee's benefits will continue without interruption while the employee is on FMLA leave.
  - i. Once the employee reaches unpaid leave, he will need to contact the Benefits Administrator for information. The employee will need to make arrangements to pay his portion of his benefits.

- ii. ~~If the employee fails to pay his portion, his benefits may be canceled.~~
  - i. ~~The employee must reimburse the City for his health insurance premiums upon failure to return to work after his FMLA leave expires.~~
  - j. ~~Any employee that fails to report back to work at the expiration of his 12 weeks of FMLA leave may be dismissed. There are some exceptions to this requirement. For specific questions, speak with the HRM.~~
  - k. ~~The employee has obligations under the FMLA, such as:~~
    - i. ~~Providing 30 days notice if the leave is foreseeable. If leave is unforeseeable, notice must be given 1-2 business days from the beginning of the leave or as soon as practical.~~
    - ii. ~~Explaining the need for FMLA leave.~~
    - iii. ~~Certification from a health care provider for the leave if it is for a serious health condition. The City may require recertification under certain circumstances every 30 days from the original leave date if the health concern still remains and the employee is unable to resume his duties.~~
    - iv. ~~The employee is required to check in with Human Resources every 2 weeks while on leave for an update, unless another reporting schedule is worked out with HR.~~
    - v. ~~The employee is required to turn into HR a fitness-for-duty certification from the health care provider prior to returning to work (or, if appropriate, provide HR documentation that the leave is needed for a qualifying family member).~~
    - vi. ~~The supervisor is responsible to notify HR if an employee plans to be out for a FMLA qualifying event, or if an employee is out on leave for longer than three (3) days.~~
    - vii. ~~Submit a completed work fitness-for-duty report from his health care provider prior to when the employee wants to return to work from a serious health condition.~~

## 12. **Crime Victim Leave**

~~Crime Victim Leave shall be granted in accordance with the provisions of A.R.S. § 13-4439, which grants all victims of crime and juvenile offenses the right to take leave to be present at all legal and court proceedings.~~

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~~Employees shall NOT be required to use their accrued vacation, personal, or sick leave while they are at these proceedings, regardless of the length of absence, provided all leave is based on their status as a crime victim.~~

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~~Employees are required to provide the City a copy of their victim rights form provided by the law enforcement agency investigating the crime (or the agency prosecuting the offender), and a copy of the notice to each scheduled proceeding provided to the victim by the particular notifying agency.~~

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## 13. **Voting Leave**

- a. ~~Employees are entitled to up to three consecutive hours to cast their vote in any local, County, State or Federal election, if they do not have at least three consecutive hours of non-working time at the beginning or end of the work day while polls are open. Employees must submit a request (which may be verbal, and which shall not be unreasonably withheld) to be eligible for time off. The employee may specify the hours to be used, although those hours must be consecutive.~~
- b. ~~Employees will receive regular pay for any time taken for voting leave.~~

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## **SECTION 12:**

### **HOLIDAYS**

**A. Purpose:** To outline City policy on holidays.

**B. Policy**

- 1. Holidays to be Observed by the City 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, Christmas Day and one (1) Floating Holiday (which, at an employee's option, can be his Birthday).
- 2. 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.
- 3. Eligibility:** Classified and orientation full time employees are eligible to be absent with pay for eight (8) hours on any City holiday unless required to work to maintain essential City services. Orientation and classified part time employees are eligible to be absent with pay for four (4) hours on any City holiday. Employee must be in a paid status the day before or the day after the holiday to receive holiday pay.
- 4. Employees Required to Work on Holidays:**
  - a.** Any eligible employee who is required to work on a holiday in order to maintain essential City services shall receive compensation at the holiday rate.

The holiday rate shall be limited to be paid for eight (8) hours holiday pay for orientation and classified full time; four (4) hours of holiday pay for orientation and classified part time employees.

If an eligible employee must work on the holiday, and he does not exceed 40 hours per work week, he will receive 40 hours worked and 8 hours (or four hours for part time) at straight time. The holiday will always be paid as straight time. If an eligible employee worked more than 40 hours, any additional hours above the forty (40) and the holiday pay, will be paid at a rate of time-and-one-half regular pay.

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b. ~~Sworn police and fire personnel and other essential personnel, as designated by the City Manager or designee, are paid for the holiday separately in the pay period in which the holiday occurs. Police 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.~~

5. **~~Holidays During Paid Leave:~~** ~~Orientation and classified full time and part time employees on paid leave when a holiday occurs will receive no additional pay and will not be charged for vacation, sick, or administrative leave.~~

6. **~~Holidays During Unpaid Leave:~~** ~~An employee who is on an authorized, unpaid leave of absence shall not be paid for a holiday unless the employee works on the employee's scheduled work day, the day before or the day after, the holiday.~~

7. **~~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 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.~~

8. **~~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.~~

9. **~~Floating Holiday:~~** ~~Must be taken within the calendar year.~~

10. **~~Additional Holidays:~~** ~~May be declared from time to time by the Council of the City of Cottonwood.~~

## **SECTION 13:**

### **VACATION**

**A. Purpose:** To establish the City's policy on employee vacation time.

1. ~~All full time employees shall be entitled to vacation with pay after they satisfactorily complete their orientation period. In case of an emergency, or at the discretion of the City Manager or respective Department Head, approval for emergency leave may be granted during the orientation period, yet not to exceed accrued leave time. In such cases, the employee shall exhaust accrued comp time prior to use of any other type of leave. "Emergency" shall be determined by the Department Head, working in concert with the City Manager. On rare occasions, emergency leave may be granted during the orientation period exceeding accrued leave time, but such leave must be expressly granted by the City Manager upon a showing of good cause for such deviation from the general policy.~~
2. ~~All classified, full-time, exempt employees shall not receive overtime or compensatory time, in accordance with the Fair Labor Standards Act. Such employees shall, however, receive 120 hours of paid, annual vacation, accrued bi-weekly, on a prorated basis.~~
3. ~~All other full-time, non-exempt employees shall receive 80 hours of paid, annual vacation, accrued bi-weekly, on a prorated basis.~~
4. ~~After completion of five years of service, all exempt employees will receive 160 hours per year of paid vacation. After completion of five years of service, all full time, non-exempt employees will receive 120 hours of paid vacation leave per year.~~

1-5 years	Earned	Maximum Limit	5+ years	Earned	Maximum Limit
Non-exempt	80 hrs	120 hrs	Non-exempt	120 hrs	180 hrs
Exempt	120 hrs	180 hrs	Exempt	160 hrs	240 hrs

~~Fire Fighters (non-exempt) on a 24/48 shift will accrue vacation leave at the following rate per year.~~

1-5 years	Earned	Maximum Limit	5+ years	Earned	Maximum Limit
Non-exempt	112.06 hrs	168 hrs	Non-exempt	168.22 hrs	252 hrs

5. ~~Each classified employee is expected to take vacation earned in the 12 month period after it becomes earned. If the requirements of the service are such that an employee cannot take part of or all of his annual vacation in a particular year, such vacation shall be taken during the following year.~~
  - a. ~~Vacation may be used immediately prior to, or following, military leave upon approval/discretion of the Department Head.~~
  - b. ~~In the event one or more municipal holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave.~~
  - c. ~~Classified employees who work less than 2080 hours per year will be credited vacation leave on a prorated basis.~~
  - d. ~~Employees who terminate prior to the completion of their orientation period will forfeit all rights to vacation leave.~~
  - e. ~~All accrued vacation hours for terminating employees will be paid in the final paycheck upon separation.~~
  - f. ~~Employees shall not use vacation leave to extend employment, or for the continuation of benefits.~~
  - g. ~~Classified employees, who transfer to a position which places them back on orientation, will be allowed to use their accumulated leave from their prior position classification during their new orientation period.~~
  - h. ~~If an employee terminates during a new orientation period, the employee will receive vacation pay for those hours accumulated during the new orientation period.~~
6. ~~If an employee is about to, or has, accrued the maximum limit of vacation leave and has been unable to use it and is subject to lose said leave, an exemption to this policy may be requested. The rationale for requesting an exemption to this policy shall be based on the inability of the employee to use his accrued leave because of the City's requirement for that employee to work instead of taking his accrued vacation leave.~~
  - a. ~~This exemption request shall be processed by the affected employee through the employee's immediate supervisor and Department Head to the City Manager for review and approval.~~

- b. ~~The exemption request must be approved by the City Manager prior to any loss of leave. Lost leave will not be reinstated, absent extraordinary circumstances.~~
- c. ~~It is the employee's responsibility to track, request, and use his accrued leave within the time allotted.~~
- d. ~~It is the employee's responsibility to request and track any exemption request.~~
- e. ~~Department wide requests will not be routinely accepted absent extraordinary circumstances. Therefore, it is the Department Head's responsibility to work with his staff in scheduling their employees' vacation leave, in order to keep exemptions to a minimum.~~
- f. ~~If an exemption is approved, the employee will have no more than 90 days from the date of approval in which to use or lose the exemption.~~
- g. ~~Only one exemption per 12 month period shall be processed for approval.~~

7. ~~Vacations exceeding a three day period should be cleared, preferably thirty days in advance, with the Department Head or the City Manager, to assure that vacation scheduling does not disrupt department and/or City operations. In extreme or emergency situations, the Department Head or the City Manager may terminate or reschedule requested vacations.~~

## SECTION 14:

### GRIEVANCE PROCEDURE

A. **Purpose:** To establish City policy for reporting and resolving employee problems and protests.

1. To improve employer-employee relations.
2. To afford employees a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them.

B. **Policy:**

1. **Matters Subject to Grievance Procedure:** Any classified employee shall have the right to appeal under this section, any decision affecting his employment arising from interpretation or application of this Employee Manual for which the City has the power to provide a remedy. Dismissals, suspension without pay, and demotions, however, shall be appealed directly to the Personnel Board. Civil rights complaints, and other matters where a remedy is available by law, at the affected employee's sole discretion, may be reported to the appropriate County, State or Federal agency which has a specific department that targets such complaints. Alternatively, at the employee's sole discretion, the employee may seek private, legal counsel to handle these types of complaints. Notwithstanding employees' rights to seek remedies outside the City's grievance process, they are strongly encouraged to first submit their grievance to the Personnel Board for consideration. The grievance procedure shall not be used as a means of collectively bringing about changes in wages or hours.
2. **Informal Grievance Procedures:** An employee who has a problem or complaint shall first attempt to get the issue settled through discussion with the employee's immediate supervisor, without undue delay. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the concerned supervisor's immediate supervisor, if any, or the Department Head or City Manager. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. Employees are strongly discouraged from discussing work-related issues with the Human Relations Manager, City Attorney or City Manager, without having first discussed the issue with their immediate supervisor.

3. **Formal Grievance Procedure:** Levels of review are as follows:

**Step 1:** Regardless of whether the Informal Grievance Procedure has been exhausted, the aggrieved employee shall be responsible for instituting the first step of the Formal Grievance Procedure within seven (7) calendar days after the facts upon which the grievance is based first occurs to, or can reasonably be expected to have become known by, the employee. Grievances shall be produced in writing and signed by the employee and shall include the following information:

- a. A clear and concise statement of the grievance and the facts upon which it is based.
- b. The remedy requested by the aggrieved employee.
- c. The sections of the Personnel Manual or special departmental regulations which are allegedly violated.

Within seven (7) calendar days of receipt of the grievance, the Department Head shall meet with the employee, discuss the grievance, and render a written response, and the basis for any decision made concerning the grievance. The Department Head shall forward a copy of his response to the City Manager. Failure of the employee to take further action within seven (7) calendar days after receipt of the written decision from the Department Head will render the Department Head's decision final.

**Step 2:** If the employee does not agree with the decision, or if no answer has been received from the employee's supervisor or Department Head within seven (7) calendar days, the employee may present an appeal to the City Manager; this must be completed within seven (7) calendar days after either receipt of the decision of the Department Head, or the last date permitted for its receipt if no decision has been rendered. The City Manager will render a decision in writing to the employee within seven (7) calendar days after receiving the appeal. In no case shall any person other than the City Manager – or his designee for such purposes – become involved in a grievance appeal process.

**Step 3:** If the employee feels that the grievance is still not settled, he may appeal directly to the Personnel Board. He shall present his request for review to the Chairman of the Personnel Board, in writing, within seven (7) calendar days after the receipt of the decision in Step 2. The Chairman of the

Personnel Board shall schedule a hearing within fourteen (14) calendar days of receipt of the employee's request for review. The Board shall meet with the grievant, the Department Head, and other individuals as may be necessary for the Board to render its decision. The Board will either sustain the prior decision, decisions or mandates of the Department Head or City Manager, or may modify or reverse the City Manager's decision. There shall be no further appeal from the Board's recommendation.

**Step 4:** With respect to the aforementioned procedure, the following rules apply:

- a. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer.
- b. The employee may request the assistance, at his own expense, of another person other than a member of the Personnel Board, as an observer and adviser at any level. The employee's assistant shall not be permitted to examine witnesses or present arguments. The City Attorney may represent the Personnel Board.
- c. An appeal, once dropped through the action or inaction of the employee, cannot be reinstated.
- d. Employees shall be free from reprisal for using the grievance procedure.

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## **SECTION 15:**

### **DISCIPLINE**

**A. Purpose:** To establish the City policy with regard to disciplinary action that may be taken for infractions of City policies and procedures, ordinances, State or Federal statutes or other misconduct as determined inappropriate in the workplace by City officials. The disciplinary process goals are to return the workplace to a productive environment, retain productive employees by having them timely correct unacceptable behavior, separate those employees who can no longer efficiently or effectively serve the City, and to complete the process in a humane, well documented, and legally sound manner. Before any disciplinary action may be taken on an employee, the Supervisor/ Department Head(s) are required to consult with the Human Resources Manager. Any impasse between the supervisor/ Department Head and the Human Resources Manager shall be mediated by the City Manager. The decision of the City Manager shall prevail in all such mediations.

**B. Policy:**

1. The following employees shall serve at the pleasure and at the will of the City Manager, and may be disciplined or removed at any time by the City Manager, with or without cause, without a statement of reasons, and without right of appeal or grievance, notwithstanding any provisions herein to the contrary, and provided that the decision for said removal is not a violation of State or Federal law:
  - a. Assistant City Manager
  - b. Community Development Director
  - c. Finance Director
  - d. City Clerk
  - e. Police Chief
  - f. Fire Chief
  - g. Planning and Zoning Director
  - h. Building Official
  - i. Street Superintendent
  - j. Maintenance Superintendent
  - k. Parks and Recreation Director
  - l. Library Director
  - m. Transportation Manager
  - n. City Engineer

- ~~e. Public Works Director~~
- ~~p. Waste Water Superintendent~~
- ~~q. Water Operations Manager~~
- ~~r. Utility Director~~
- ~~s. Human Resources Manager~~
- ~~t. Such other positions as the City Council shall designate from time to time.~~

~~These persons holding positions prior to the date of adoption of this Employee Manual, which are designated above as serving at the pleasure of the City Manager, shall retain those rights and privileges (if any) with respect to termination of employment, which each held prior to the date of adoption. Any person hired after the date of adoption of this Ordinance, in such a position as designated above, shall be employed and serve at the pleasure of the City Manager as described above.~~

- ~~2. Disciplinary actions include: admonitions, verbal and written reprimands, suspensions without pay, demotions, and dismissals for cause, or without cause when applicable as written herein. Examples of the written disciplinary documents may be obtained from the Human Resources Office.~~
- ~~3. Grounds for such action include, but are not necessarily limited to, the following conduct:~~
  - ~~a. Falsification of application for employment.~~
  - ~~b. Unauthorized absenteeism.~~
  - ~~c. Unauthorized tardiness.~~
  - ~~d. Malingering.~~
  - ~~e. Insubordination.~~
  - ~~f. Conviction of a felony or a crime involving moral turpitude.~~
  - ~~g. Incompetence.~~
  - ~~h. Prohibited political activities.~~
  - ~~i. Discrimination or failure to abide by Equal Employment Opportunity regulations.~~
  - ~~j. Any action, on or off the job, bringing discredit to the City.~~
  - ~~k. Substance abuse.~~
  - ~~l. Violation of any provision herein, City ordinances or State or Federal law.~~
  - ~~m. Negligence.~~
  - ~~n. Two written reprimands or other disciplinary actions within 24 consecutive months.~~

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- ~~o. Other reasons deemed valid by City officials.~~
- ~~p. Sexual harassment.~~
- ~~q. Such other act, error, or omission detrimental to the mission of the City.~~
- ~~r. Courtesy to another employee or member of the public.~~

**C. Procedure:** A typical, progressive sequence of disciplinary actions which is strongly encouraged to be used by the City of Cottonwood includes the following:

- 1. Counseling:** Counseling in a broad sense includes any informal discussion with an employee designed to assist him to fully develop his skills and abilities. Usually, the immediate supervisor counsels the employee. The discussion may clarify standards, evaluate the employee's strengths and weaknesses, seek information, or solve problems. When there is a discipline problem, counseling is usually the action taken to assist the employee in clarifying and remedying the problem. Ideally, counseling will resolve the problem early and avoid the need to escalate into a more punitive approach. When it becomes necessary to use this first approach in the disciplinary process, documentation of the counseling shall be entered into the Supervisor's Log. The counseling session can result in, but is not limited to, training and/or retraining, instruction to participate in formal counseling with an appropriate, recognized professional, placement on the written instructions of a Performance Improvement Work Plan, and mentoring. After the discussion occurs, the date, who was present and the subject shall be documented and placed in the supervisor's file. If counseling results in a reassignment or voluntary demotion, and is agreed upon as a solution, a memorandum noting this agreement and a draft Personnel Action Form (PAF) shall be forwarded through the Human Resource Manager, for the City Manager's approval. The Supervisor, Department Head, or City Manager can implement this form of discipline.
- 2. Oral Reprimand:** The oral reprimand verbally notifies the employee that his performance or behavior must be improved. The oral reprimand should not become part of the employee's permanent personnel file unless subsequent action is necessary. The supervisor may document the oral reprimand on his Supervisor's Log. After the discussion occurs, the date, the individuals present, and the subject of the conduct at issue shall be documented and then placed in the supervisor's log. The supervisor, Department Head, or City Manager can implement this form of discipline on a Performance Improvement Plan during the employee's performance evaluation.
- 3. Written Reprimand:** The content of the written reprimand is essentially the same as the oral reprimand. The employee is advised in writing of the

~~consequences of failing to improve his performance or behavior. The supervisor, Department Head, or City Manager can implement this form of discipline. It should contain the following:~~

- ~~a. What occurred and who was involved.~~
- ~~b. The date and time of the event that caused the reprimand.~~
- ~~c. The rule, policy or contract provision, if any, that was violated by the employee.~~
- ~~d. What the employee is directed to do to correct the situation. Avoid general statements; be very specific.~~

~~The written reprimand needs to be signed by the supervisor and employee. The original shall be forwarded to Human Resources Manager for inclusion in the employee's personnel file. A copy should also be retained in the supervisor's file.~~

- ~~4. **Suspension:** Suspension is the temporary removal of an employee from his duties with or without pay. Only the City Manager has the authority to suspend employees without pay. Suspension shall be processed immediately through the Human Resource Manager to the City Manager for approval. The approved notice of suspension along with the Personnel Action Form (PAF) shall be processed through the Human Resources Manager then given to the employee. The original PAF and the final notice of suspension shall be signed by the Department Head and the employee then returned to Human Resources for final processing. Once processed, the originals will be included in the employee's personnel file. The City Manager can take this action.~~
- ~~5. **Investigatory Suspension:** An employee may be placed on investigative suspension with pay, only by a Department Head or the City Manager. Such action is reserved for cases, where, for example, the employee's continued presence constitutes a clear threat to the safety of other employees or to the public.~~
- ~~6. **Demotions:** An employee may be demoted, in grade or classification, to a lesser position by the City Manager. This would also apply to temporary employees who fail to meet the requirements of job specifications. The City Manager must approve this action.~~

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7. **Pre-Disciplinary Conference:** Prior to dismissal, involuntary demotion, or suspension without pay, the supervisor shall hold a pre-disciplinary conference (also referred to as a pre-deprivation conference) with the employee and a witness to said conference shall be in attendance. Prior to the conference, the supervisor must forward a copy of the intent memorandum for review by the Human Resources Manager and concurrence by the City Manager. The final pre-disciplinary conference memorandum shall be presented to the employee.

At the completion of the pre-disciplinary conference, the employee shall be encouraged to, and witness must, sign the memorandum noting that they either received the memo or witnessed the pre-disciplinary conference, they understand what took place, and what actions need to be taken. If the employee refuses to sign, the words "refused to sign" shall be placed on the form where the employee's signature would otherwise be executed.

If the conference results in the supervisor's decision to withdraw the notice of intent, he must provide the employee with a Notice of Withdrawal of Intent. This memorandum should include the steps the employee and/or supervisor intends to take to improve the employee's actions or behavior, and any follow up actions, as may be deemed appropriate. The original of this action shall be forwarded to the Human Resources Manager for inclusion in the employee's personnel file.

The pre-disciplinary conference (also referred to as a pre-deprivation conference) must be conducted before a high-ranking supervisor or Department Head who has NOT pre-determined that the employee deserves the type of discipline envisioned by the employee's supervisor, his Department Head or the Human Resources Manager. The views of the non pre-determined, high-ranking supervisor or Department Head shall be given significant weight in the decision of whether to impose discipline. The ultimate decision of whether, or what type of discipline to impose, however, rests with the City Manager.

One of the primary purposes of the pre-disciplinary conference is to afford the employee the opportunity to rebut any allegations of misconduct, present evidence on his behalf, and to attempt to clear his name from any perceived misconduct.

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8. **Dismissal for Cause:** The City Manager may dismiss employees for cause. All employees, other than those during their orientation period and those serving at the pleasure of the City Council or City Manager, shall be given written notice of the action against them and shall have the right to appeal the decision to the Personnel Board (this process is outlined in the Personnel Board Section of this policy). The Department Head, in conjunction with the Human Resources Manager, shall prepare the Notice of Dismissal for the City Manager's approval. Only the City Manager can take this action.
9. **Documentation:** All disciplinary actions, except an oral reprimand, require documentation in writing. It is strongly suggested that oral reprimands be documented as well. Such documentation will be affixed to the employee's personnel file by the Human Resources Manager, the City Manager or the employee's Department Head.
10. **Items to Include, but Not Limited to, in Disciplinary Letters/ Notices:**
  - a. Specific behaviors, actions or inactions leading to the discipline.
  - b. Date(s)/ Time(s) of occurrences.
  - c. Witnesses (if any).
  - d. Citation to applicable City or departmental policy or work rule violated.
  - e. Resulting damage, problem, etc.
  - f. Any previous warnings or efforts to correct.
  - g. Corrective or remedial action required from employee in order to correct the deficiencies noted and/ or avoid further discipline.
  - h. Consequences of failure to correct their behavior.
  - i. The statement that other unacceptable behavior or performance may also lead to additional discipline "up to and including dismissal for cause". In addition, include applicable appeal rights and/ or copy of Employee Manual.
10. **Rights of Terminated Employees:** All classified employees who have completed their orientation periods, or any classified employee who has entered a new position requiring a new orientation period, and who receive a

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~~notice of termination for cause, must be advised by the City Manager or Department Head of their rights, and are encouraged to use the redress of avenues available, which include, but not necessarily limited to, the following:~~

- ~~a. Right of written notice.~~
- ~~b. Right of appeal.~~
- ~~c. Formal hearing (administrative).~~
- ~~d. Right to be represented by counsel at the employee's expense.~~
- ~~e. Right to be confronted by witnesses.~~
- ~~f. Right to transcript of proceedings at the employee's expense.~~
- ~~g. Right to present evidence in his behalf.~~
- ~~h. Right to call witness in his behalf.~~

~~The formal hearing conducted by the Personnel Board is an administrative hearing. Formal rules of evidence and procedure need not be observed. If there are any post-dismissal issues, the supervisor must notify the Department Head. The Department Head must identify the issues in a timely manner and shall coordinate further measures with the City Manager, the Human Resources Manager, and the City Attorney, as may be deemed appropriate. The City Attorney will advise the supervisor/ Department Head what to say, or not to say, to remaining employees regarding the situation. If a supervisor/ Department Head receives inquiries from outside entities or persons for information on employees – past or present – such as reference checks, follow the Privacy Policy and direct them to the Human Resources Manager.~~

## **SECTION 16:**

### **PERSONNEL BOARD**

- A. **Purpose:** To establish the City policy on the duties and responsibilities of the Personnel Board. The Personnel Board hears appeals of employees' grievances, disciplinary actions, and dismissals in accordance with City policy and the policies set forth in this Employee Manual. The Personnel Board is also active in employee recognition programs.
- B. **Policy:**
  - 1. The Personnel Board of the City of Cottonwood shall consist of members from the following sources:
    - a. A representative of the Human Resources Department, appointed by the City Manager, to serve as permanent secretary of the Personnel Board with no voting rights. It is the responsibility of the Human Resources Manager to coordinate the activities of the Personnel Board, including but not limited to, all correspondence, recording the official minutes of meetings, the scheduling of meetings, and all other related activities.
    - b. Five members, three of whom shall be elected by the employees of the City, to serve a two year term, and two citizens at large, shall be appointed by the City Council, and all five members shall serve a two year term, commencing the first week of January, every other year.
    - c. The five board members will elect a chairman during the first week of January, every other year.
  - 2. **Election of Personnel Board:** The election of the employees to serve on a two year term, shall be on an informal basis, with each full time City official (excluding the Mayor and City Council) and employee having an opportunity to vote for the appropriate officials and employees of his choice. Nomination ballots will be distributed with the employees' paychecks at the appropriate time. The ballots shall be tabulated by the City Clerk's office and shall be counted no later than five (5) working days after distribution of ballot forms. Citizens at large shall be selected from applications received from local board solicitations.

If for any reason a member should resign from the board, the City Manager shall appoint a new member to complete the unexpired term. On his ballot, each voter may nominate no more than two candidates. The ten candidates receiving the greatest number of nominations shall be placed on an election ballot and the same process will be completed for the election process which applies to the nomination process. (In case of a tie in the nomination process, a drawing will be held by the City Clerk to determine the nominee.) The candidates receiving the greatest number of votes shall serve a two year term on the board, commencing the first week of the calendar year and ending the last day of the calendar year of the term. In case of a tie, a drawing will be held by the City Clerk to determine the winner. Representation on the board will be limited to one employee from each department.

Time spent by board members will be considered part of their normal work assignment. Non-exempt committee members will receive overtime compensation, if required during committee proceedings.

If at any time a grievance should originate from an employee in a department under the direction of any member of the Personnel Board, or from a Board Member, that member shall not participate in the grievance proceedings. Any elected member of the Board who is under the direct line of supervision of an employee who is the subject of a grievance, shall likewise be disqualified.

Members of the Board, who may not participate in a grievance procedure because of association, shall be replaced by employees of equal rank within the department, appointed by the City Manager. If the subject of the grievance is a Department Head, the appointment shall be of at least equal rank from another department. A quorum of three (3) members is required with a matter being passed upon by a majority affirmative vote of those present. (Ties result in a failure to sustain the grievance.)

**3. Duties:**

- a. ~~Upon the filing of an appeal, the Personnel Board shall set a date for a hearing on the appeal not less than ten (10), and no more than thirty (30), working days from the date of filing. The Human Resources Manager shall notify all interested parties of the date, time, and place of the hearing.~~
- b. ~~The appealing employee shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of~~

~~the hearing. The appealing employee may select, and be accompanied by, any person (other than a Board member) at his own expense (including an attorney), who may produce on behalf of the appealing employee relevant oral or documentary evidence. The City shall state its case first and, at the conclusion of the City's case, the employee may then present any rebuttal, oral or documentary evidence he may choose. Rebuttal matters to be heard shall be at the discretion of the Personnel Board, however, they shall not be unreasonably prohibited or dismissed. Cross examination of any witness shall be permitted by the City and the employee, or the person acting on behalf of the employee. The conduct and decorum of the hearing shall be under control of the Personnel Board by its chairman, with due regard to the rights and privileges of the City and the appealing employee. Subject to applicable law, hearings shall be closed unless the appealing employee, in writing, requests an open, public hearing. The hearing shall be informal, and technical rules of evidence shall not apply to the proceedings except that irrelevant, immaterial, incompetent, or unduly repetitious evidence, or evidence protected by the rules of privilege of law, may be excluded. All testimony at the hearing shall be recorded manually or by electronic device.~~

4. **~~Decisions of the Board:~~** ~~The decisions of the Personnel Board are final and there are no further appeal provisions available.~~
  - a. ~~Voting: A majority of those present voting for or against the issue shall constitute a final decision.~~
  - b. ~~Quorum: A quorum consisting of a majority of the members of the Board shall be present before the Board may convene.~~

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## SECTION 17:

### TERMINATION

- A. **Purpose:** To establish the City policy on termination and outline the procedure in which terminations are initiated and processed.
- B. **Definition:** Termination, as outlined herein, includes retirement, death, voluntary resignation, reduction in force, end of temporary employment, and dismissal.
- C. **Policy:**

1. **Voluntary Termination:** Employees terminating voluntarily, in order to terminate in good standing, are expected to give the City advance notice of two weeks. Employees must submit a written resignation that specifically identifies the date of their last day of employment with the City. The employee's Department Head must acknowledge receipt of the resignation, in written form, which states the resignation is accepted. Once their resignation is accepted, an employee cannot be guaranteed a return to the position vacated. The original termination and acceptance acknowledgement shall be forwarded to the Human Resources Manager for filing in the employee's personnel file.

The City, in turn, will provide similar notice, in writing, when a staff member is terminated as a result of any reduction in force. If advance notice by the City cannot be given, the employee's accrued pay must be given in lieu of notice for a bona fide reduction in force. Employees on layoff status, rehired within six months, will be reinstated with no reduction of longevity benefits.

2. **Reduction in Force:** Selection of an employee for a reduction in force should be based upon the individual's ability to perform the work assignments within the affected department. Any employee laid off as a result of a reduction in force shall have no right to appeal or grieve such action.
3. **Retirement:** Employees retiring under the State retirement system must contact the City Manager ninety days, or 6 months per the Arizona State Retirement System (ASRS), prior to the effective date of retirement to ensure that all forms and documents are prepared. (For specific requirements, see the Hiring Section of this Employee Manual.)

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4. **Exit Interview:** All terminating, full time employees are to be referred to the Human Resources Manager or City Manager for an exit interview. Exit interviews are a means of:

- a. Documenting the circumstances of termination for unemployment compensation claims files.
- b. Determining the individual's attitude toward the City and its policies.
- c. Assisting departments in severing relationships with terminating staff members on an amicable basis.
- d. Explaining all rights, privileges, and benefits of a continuing nature and completing the forms required for retirement contribution refunds if desired.
- e. Receipt from the employee of all City property: (i.e., cell phone, radio, keys, forms of City issued identification, tools, credit cards, personal protective equipment, and City purchased clothing).

## **SECTION 18:**

### **TRANSFER AND RECLASSIFICATION**

- A. Purpose:** To outline the City policy toward the transfer and/or reclassification of classified staff members.
- B. Definitions:**
  - 1. **Transfer:** When an employee moves from one department to another in the same position classification.
  - 2. **Reclassification:** When one of the following conditions is met.
    - a. Promotion: Change to a position classification at a higher grade level, normally with an accompanying salary increase.
    - b. Position Job Title Reclassification: Change to a position classification at the same grade level with or without an accompanying salary adjustment.
    - c. Down Grade: A change in position classification to a new position at a lower grade level. All employees accepting a position with a lower grade level will be subject to a review of their current salary. In some cases, an employee may be subject to a decrease in salary. The criteria used in assigning the salary level of a new hire will apply to all employees entering a position classification lower than their current level (see Section 19, Hiring Section, of this Employee Manual).
    - d. Anniversary Date: A new anniversary date will be established for any employee who changes a position classification within the City.
- C. Policy:**
  - 1. The Department Head, in conjunction with the Human Resources Department, will seek competent, currently employed employees who meet the minimum qualifications for a position, as outlined in the job description for that position, before considering non employees to fill new or vacant positions (see Section 19, Hiring Section, of this Employee Manual).

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Information concerning possible employment openings should be provided to the City Manager as far in advance as possible.

2. City employees seeking employment with another department should notify the Human Resource Manager of their interest in a particular position. The Human Resource Manager will coordinate with the current and new Department Heads regarding particulars of the proposed personnel change.
3. Salary increases, where classified positions are involved, may be given to an individual transferred between departments only when the person is promoted to a higher position classification. No salary increase will be given when transferring to a position having the same range as that to which the employee is transferring.
4. The department accepting the services of the transferred employee assumes the responsibility for benefits earned through longevity (i.e., vacation, and sick leave).
5. A transferred or reclassified employee is subject to an additional six month orientation period in the new position. Transferred or reclassified employees are allowed all of the rights set forth in this Employee Manual.
6. Should an employee be transferred involuntarily to a position with a lower salary, the employee may use the procedures outlined in Section 14, Grievance Procedures, and Section 15, Discipline, of this Employment Manual.

D. **Promotions and Transfers:** It is the policy of the City to promote from within, whenever practical and feasible under the prevailing facts and circumstances. Vacant positions within a department should generally be filled in the following order of preference: First, consideration should be given to promotion of a qualified employee within the department; Secondly, consideration should be given to promotion of a qualified employee from another department of the City; Lastly, an employee applying for a promotion or transfer shall be interviewed for that position to determine if they are qualified before external solicitation is initiated. This procedure mirrors the City's on-going support of, and commitment to, current employees by giving them, when properly qualified, the opportunity to compete for the opening, along with similarly-situated City employees, prior to accepting applications from outside applicants.

The internal hiring preference will not apply to Department Head and/or management range positions. Although all City employees are encouraged to

apply for Department Head and/or managerial positions, it is the City policy to open these positions to the open market to ensure that the most qualified individual is selected for the position. All vacancies for classified positions will be posted internally for seven (7) working days. Only the applications of classified employees will be considered for employees occupying positions that have been approved by City Council, and are recognized in the City Classification listing. Non classified employees cannot apply for positions posted internally. Non classified employees include the following classifications: orientation employees, temporary employees, seasonal employees, and unpaid volunteers. The exception is for City Fire and Police Department Volunteers and reserves who may apply for internally pooled positions within their assigned departments (see Section 19, Hiring Section of this Employee Manual).

## **SECTION 19:**

### **HIRING**

A. **Purpose:** To outline the City policy for filling vacant positions in the City's service.

B. **Policy:**

It is the policy of the City to promote from within when practical and feasible.

C. **Announcements:** All vacancies for positions in the City shall be published on the City of Cottonwood Human Resources bulletin board and be distributed to each Department Head to be posted in common areas (i.e., employee lounges). The announcements shall specify the title and pay for the positions, the closing date, and where to file an application.

D. **Method of Filling Vacancies:** When a vacancy is to be filled, recruitment shall be performed in the following sequence:

1. All vacancies will be publicized for internal applicants only for seven (7) calendar days prior to being publicized to external applicants.

City fire and police department volunteers and reserves may apply for internally posted positions within their assigned departments. All applicants must meet the minimum qualifications and must have completed the orientation period for the position in which they currently serve. The City reserves the right to open any position to the general public prior to the seven (7) calendar day mentioned above, when deemed in the best interest of the City under the then prevailing facts and circumstances.

2. When a vacancy is not filled through existing employees, the City will provide appropriate notice to the general public. The Human Resources Manager will conduct an appropriate search for all vacancies using the following guidelines:

Non-exempt personnel: announcement, local advertising.

Supervisory personnel: announcement, local advertisement, and/or regional advertising.

Department Heads and City Manager: Announcement, local advertising, regional advertising, and/or national advertising.

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**E. Application Forms:**

1. All applicants for City employment SHALL complete the APPROVED CITY APPLICATION form provided by the Human Resources Manager. A resume may be supplied in addition to a completed application, HOWEVER, IN NO CIRCUMSTANCES SHALL A RESUME REPLACE THE APPROVED CITY APPLICATION FORM. Application forms require information covering training, experience, and other pertinent information, and must be signed by the applicant. The HRM will use the information to determine whether the applicant is eligible to continue in the selection process for a given class of employment. Failure to accurately complete the application for employment form may be cause for disqualification. At the direction of the City Manager, appointed positions and Department Head positions may necessitate deviation from this general process. In those cases, the City Manager, Mayor and City Council may direct how the selection process shall proceed.
2. The City may require certain job classes to meet specific standards and/or possess specific, specialized education, experience and training.

**F. Disqualifications:** The Human Resources Manager may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants shall be rejected if the applicant is unqualified for the performance of duties of the position to which he seeks appointment, has made any misstatement of any material fact, or has practiced any deception or fraud in the application or the application process.

**G. Oral Interviews:** Oral interviews for all certain positions may be held prior to appointment to the City's service.

**H. Background and Criminal Checks:** The City of Cottonwood will perform a background and criminal records check on all newly hired, classified employees. All newly hired, classified employees, shall submit their fingerprints to the City as a condition of employment.

**I. Listing and Posting of Job Openings:** To assist Department Heads in meeting their equal opportunity responsibility, all staff employment openings (other than those appointed by the City Council) for full time, part time, and temporary staff employment, must be transmitted to the City Manager as soon as the need is known. The City Manager will approve the solicitation, and the Human Resource Manager will ensure that all necessary information on employment is provided to the public and all other City departments.

- J. **Personnel Applications:** The Human Resources Manager will maintain employment applications to be filled out by prospective employees. No question, in any application form, shall be so framed as to attempt to elicit information concerning race, ethnicity, religion, color, age, sex, national origin, sexual orientation, veteran's status, or non-disqualifying handicap of an applicant. Applications will be kept on file as required by State and/or Federal law.
- K. **Fair Employment:** No appointment, promotion, or termination from a position in the City, shall be affected or influenced in any manner by consideration of race, ethnicity, religion, color, age, sex, national origin, sexual orientation, veteran's status, or non-disqualifying handicap.
- L. **Minimum Qualifications:** The minimum qualifications required of applicants will be realistically related to the duties of the specific position.
- M. **Recruiting Procedures:** When a position is not filled by promotion or transfer, new applicants will be considered. The Human Resources Manager or respective Department Head will review applications and arrange for applicants to be interviewed by an appropriate screening committee or the standing committee of the department seeking applicants. The Human Resources Manager will be a member of this committee whenever possible.
  - 1. **Employment:** Each hiring decision (other than those appointed by the Mayor and City Council) will be the responsibility of the City Manager. The respective Department Head will initiate a memo thru the Human Resources Manager to the City Manager justifying a recommendation for hiring the most qualified candidate. The memo shall be accompanied by the selection process documentation, along with the recommended starting salary and start date.
  - 2. **Disposition of Non-Selected Applicants:** The Human Resources Manager shall notify those applicants who were considered but not selected. Records of these applicants shall be retained as required by State and/or Federal law.
  - 3. **Recruiting Costs:** Advertising costs shall be the responsibility of the Human Resources Manager. All other costs (i.e., reasonable relocation expense, employment agency fees, interview and recruitment travel, and telephone calls) shall be borne by the City, if authorized by the City Council and/or the City Manager prior to the expenditure.

**N. Examinations and Testing for Sworn Peace Officers:** All employment applicants seeking a position with the Police Department shall be required to pass an examination given by the Chief of Police or the Chief's designee. The Chief of Police shall be responsible for setting all qualifications and requirements and for the filling of all sworn positions. The selection techniques used in the examination process shall be impartial, of a practical nature, and relate to those subjects which, in the opinion of the Chief of Police, fairly measure the relative capacities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility, evaluation of daily work performance, work records, medical tests, mental tests, polygraph tests, or any combination of these or other tests. The Chief of Police shall ensure that the hiring of all sworn personnel shall be in concert with the Arizona Peace Officers Standards and Training requirements (AZPOST).

1. **Promotional Examinations:** Promotional examinations may be conducted when deemed necessary by the Chief of Police and City Manager. Only classified employees who meet the requirements set forth in the examination announcement may compete in the examinations.
2. **Notification of Examination Results:** Each candidate in an examination shall be given written notice by the Police Department of the results, including the candidate's final earned score and/or rank on the employment or promotion list.
3. **Review of Examination Papers:** Any candidate shall have the right to inspect his own examination papers within five working days after the date the exam was given. Any error in computation shall be corrected. However, such change shall not necessarily invalidate appointments previously made, nor entitle a candidate to be appointed.

**O. Orientation Period:** The orientation period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee for the position.

1. **Regular Appointment:** All appointments, except as specified herein, shall be tentative and subject to a six-month orientation period. Part-time employees (i.e., anyone working less than an assigned work week of forty hours) shall serve as at-will employees. The orientation period for police officers shall be for a period of twelve months.

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2. **Rejection During Orientation Period:** At any time during the orientation period, an employee may be rejected by the appointing authority without a statement of reasons. Notification or rejection in writing shall be approved by the City Manager and sent to the employee and the Human Resources Manager for inclusion in the employee's personnel file. Any employee who has obtained the status of classified employment with the City, and who has accepted another position within the City's classification plan subject to a new orientation period, will be allowed the rights as set forth in the Grievance, Discipline, and Personnel Board Sections of this Employee Manual, if terminated.

3. **Extension of Orientation:** The orientation period may be extended three additional months, based on the recommendation of the Department Head and with the prior approval of the City Manager. Additional evaluation will be performed monthly during this period.

P. **Employee Evaluations:** The designated departmental supervisors will review the performance of each employee at the end of the third (3) and sixth (6) month during the employee's orientation period, and annually thereafter. The evaluations shall address the responsibilities, duties, and skills, etc., required to successfully perform the employee's duties. An evaluation form will be filled out, and the document must be signed and dated by the employee and the supervisor. The City Manager will be responsible for the administration of this program, and with the assistance of the Human Resources Manager, will perform a continual review of each classified position.

Q. **Appointed Officials:** Appointed officials, except as specifically provided in this Ordinance, or by law, serve at the pleasure of the City Council. These include elected officials, City Manager, City Attorney, City Magistrate, members of City Boards or Commissions, persons engaged under contract to supply technical or professional service, temporary employees and volunteer firefighter, or other volunteer personnel who receive no regular compensation from the City. The City Council may waive, or make more stringent, any requirement in this Employee Manual not otherwise mandated by State or Federal law, in the selection process of appointed officials.

R. **Conditions of Employment:** Certain conditions of employment are required of each employee by either Federal, State, and/or local law or policy. Examples are as follows:

1. **Loyalty Oath:** All employees are required to sign a loyalty oath as required by state law.

2. **Political Activity Prohibited:** The political activity of certain employees of the City is limited by Federal law. Employees shall comply with all provisions in the U.S. Code., and all applicable provisions of Arizona Revised Statutes.
3. **Solicitation of Political Support Prohibited:** No elected or appointed officer or employee of the City shall solicit any contribution, in cash or services, from any person or entity to support any candidate for public office while on-the-job.
4. **Residence Requirement:** All employees shall be required to be at work by their scheduled start time. Certain employees may be required by their Department Heads to live within a specified response time to emergency calls.
5. **Physical Examination:** A physical examination will be required prior to the completion of the final employment process. In addition, the City may require a fitness-for-duty examination at any time by a physician selected by the City. The City will pay all costs associated with physical examinations.
6. **Draft Registration:** Male employees between the ages of 18 and 26 must be registered for the draft if they are a citizen of the United States, an immigrant, or as may be required by State and Federal law. Exceptions are permitted in accordance with A.R.S. § 38-201, and the U.S. Code.
7. **Background/Polygraph Checks:** New employees may be subjected to one or more of the following tests or reviews, depending on the position classification: finger printing, driving record, criminal record, polygraph, medical examination, mental examination, drug screening and other background checks as the City deems appropriate for a position.
8. **Employment of Relatives:**

Pursuant to A.R.S. § 38-481 *et seq.*, it is a Class 2 Misdemeanor for “an executive, legislative, ministerial or judicial officer to appoint . . . any person related to him by affinity or consanguinity within the third degree to any . . . position [or] employment . . . when the salary . . . of such appointee is to be paid from public funds . . . .” *Id.*

This statute applies to all “incorporated cit[ies] within the state . . . .” *Id.*

The chart below gives examples of persons falling within particular degrees of consanguinity:

<b>FIRST DEGREE</b>	<b>SECOND DEGREE</b>	<b>THIRD DEGREE</b>
Children	Grandchildren,	Cousins
Siblings	Nephews & Nieces	Great Grandparents
Parents	Aunts & Uncles	Great Grandchildren
	Grandparents	Grandnephews Grandnieces

This statute does NOT prohibit the EMPLOYMENT of relatives; it prohibits City officials from APPOINTING (i.e., hiring) one of that City official's relatives.

When relatives of City officials (or relatives of line employees) apply for employment with the City, the related City official (or line employee) must not become involved in any actions which would fall within the category of working for, suggesting, arranging or being a party to the appointment of a person related to him/her within the degree provided by statute.  
Additionally, relatives within the above degrees of consanguinity should not be directly supervised by a relative, nor should they be promoted, demoted, or disciplined by their relative.

## **SECTION 20:**

### **STATE RETIREMENT PLAN**

A. **Purpose:** To outline the City policy of retiring personnel and the State Retirement Plan.

B. **Policy:**

1. All employees working in excess of 20 hours per week, for more than 20 or more weeks per year on a regular basis, are required to participate in the Plan. Payroll deductions commence upon commencement of employment. The Plan is supported by contributions from the employer and covered employees. The employee contribution rate is set annually by the state retirement system.
2. If a member terminates employment, he may elect a refund of his own contributions, plus interest, under present law.
3. A retiring member should complete a retirement application within six (6) months prior to his scheduled retirement date. The retirement date can be no sooner than the first day of the month following termination of payroll status and completion of the retirement application.
4. Normal and early retirement benefits are computed pursuant to State law.
5. Members of the State Retirement System are covered by Social Security benefits in addition to those provided by the State Retirement System. Individual counseling is available through the Human Resources Manager to answer questions regarding retirement, social security and Medicare, or, at the sole discretion of the employee, he may directly contact an Arizona State Retirement System Representative.

## **SECTION 21:**

### **INSURANCE BENEFITS**

- A. **Purpose:** To outline the City policy on employee insurance benefits as in effect on the date of adoption; these benefits are subject to change by the Mayor and City Council.
- B. **Policy:**
  - 1. **Hospitalization Insurance:** All classified, full time employees are presently eligible for coverage under the City's group insurance program as outlined in the City's group insurance agreement. The employees may elect to cover dependents under this program. The plan provides health, accident, and life insurance coverage. Copies of coverage and other information are available at the Human Resources Office. It shall be mandatory for all employees covered by the City Health Plan to participate in any preventative health exams conducted by the City.
  - 2. **Worker's Compensation Insurance:** All City employees are covered, at no cost to the employee. Worker's Compensation provides medical and hospitalization expense benefits, as well as partial payments in lieu of salary for most job-related injuries.

## **SECTION 22:**

### **POSITION & PERFORMANCE EVALUATION**

- A. **Purpose:** To establish and outline the program of position & performance evaluations as a supplement to wage and salary administration.
- B. **Policy:** The City Manager is responsible for administration of the position & performance evaluation program, and may be assisted in this endeavor by the Human Resources Manager.

#### **1. Position Evaluation**

- a. Position evaluation is utilized as a method of determining the responsibilities, duties, and skills, etc., required to successfully perform in a position and to classify the position based on the position's relative worth to the City.
- b. As a result of position evaluation, position classifications are established, with each assigned a range determining the minimum starting salary, the midpoint salary, and maximum salary progression.
- c. Salary ranges relate to the duties of a position and not the individual occupying the position. The variance among people such as relative efficiency, production, aptitude, attitude, etc., can and should be handled within the salary range.
- d. When it is necessary to add a new position previously unclassified in a department, the City Manager shall receive written justification from the respective Department Head requesting approval for the new position classification. As a result of the classification approval, the City Manager will then approve the recruitment of qualified applicants through the Human Resources Manager to fill the position's requirements.
- e. When the makeup of a position has materially changed, becoming either more or less demanding, the supervisor shall submit justification as to the needed change for the City Manager's reevaluation and reclassification approval. Once approved, the Human Resources Manager will finalize the revised job description and personnel action paperwork.

- f. The City is not responsible for salary commitments that are not in keeping with the position classification plan, unless prior approval is received from the City Council and City Manager, and is within the budget capacity existing at the time of commitment.
2. **Performance Evaluation:** Classified employees shall receive a performance based evaluation and be eligible for consideration for merit pay increases as follows:
  - a. After successfully completing the first six (6) months of the orientation period, and upon approval of the City Manager, one half (1/2) of an annual merit increase percentage may be granted. After successfully completing the first year of employment and upon approval of the City Manager, another merit increase percentage may be granted equal to one half (1/2) of the calculated annual merit increase.
  - b. Annually, on his hire date, the employee will be eligible for a performance based merit percentage increase, upon recommendation of the Department Head, annual budgetary appropriations, and upon approval of the City Manager.

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## **SECTION 23:**

### **EMPLOYMENT OF STUDENTS, YOUTH & TEMPORARY OVER HIRES**

A. **Purpose:** It is the purpose of this Employment Manual to specify qualifications as to age and working conditions for the employment of students, youth and temporary over hires.

B. **Policy:**

1. **Student and Youth Employment:**

- a. Departments are encouraged to arrange their employment practices to accommodate student utilization during summer months and summer vacations.
- b. Age limits and qualifications: Normally, no minor under the age of 17 shall be employed. Youths under the age of 18 may be employed, but only in non-hazardous positions. Employment Certificates will be required, and all employees who have not previously obtained a social security number will be required to do so.

Normally, students and youths may not work in excess of eight hours per day and forty hours per week during the summer months and holiday periods. Full time, classified employees, shall have first consideration for any overtime work.

- c. Student and youth employment shall be in compliance with the federal and state child labor laws. Check with the Human Resources Manager to determine what positions may be filled by youth on a temporary basis.

2. **Temporary Over Hires:**

- a. The City Manager has approved the use of temporary employees to assist the various positions in the City. These employees will be informed that they are not entitled to participate in any of the City's benefit plans. Any disciplinary and performance problems shall be brought to the attention of the Human Resources Manager. No temporary employee shall be allowed to be on the City's payroll in excess of 20 hours per week, for 20 weeks in the fiscal year, regardless of whether he works consecutive hours or not.

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- b. Requests for temporary employees shall be processed through the Human Resources Manager using the City of Cottonwood Position Information Summary, circling part-time. Each temporary employee must meet the minimum qualifications for the position being sought. The Human Resources Manager will contact the temporary agent and, to the best of his abilities, obtain the best suited individual for the temporary position. Also, the supervisor or Department Head should note the expected duration of employment and who in his department will be the rating supervisor for the temporary employee. A temporary employee evaluation shall be completed on each temporary employee at the end of his work period by the rating supervisor. This provides the City with a record of all the areas on which the evaluation is based. This information shall be kept on file in the Human Resources office for potential future employment reference.
- 3. All employees must receive an orientation and safety briefing by the Department Head/ Rating Supervisor before they start work.
- 4. Any employee that is temporary or seasonal must be removed from the City's payroll and Human Resources system after his 760 hours have expired in a year. If he chooses to work with the City again the next year, he must, again, go through the application and hiring process (see this Section, and Section 19, Hiring, of this Employee Manual for additional information on the hiring process).

## **SECTION 24:**

### **SAFETY AND OSHA**

A. **Purpose:** To outline the City's policy on safety and the Occupational Safety and Health Act (OSHA).

B. **Policy:**

1. **Employer's Duty:** According to A.R.S. § 23-403, each employer shall furnish to each of its' employees a work environment which is free from recognized hazards that are causing, or are likely to cause, death or serious harm to employees.
2. **Employee's Duty:** According to A.R.S. § 23-404, each employee shall comply with OSHA standards, and all rules, regulations and orders issued pursuant to OSHA and this Employee Manual which are applicable to the employee's own actions and conduct.
3. **Safety:** Employees are responsible for the safety and protection of themselves and fellow workers, and must perform duties in compliance with OSHA. Employees will report immediately to the Department Head any hazards that are causing, or are likely to cause, death or serious harm to themselves or fellow workers. Should an employee have an accident, it shall be reported to the Department Head, the Human Resources Manager/ Risk Manager, or to the City Manager as soon as practical under the then prevailing facts and circumstances.

Department Heads will:

- a. Be responsible for on-site safety.
- b. Make available all necessary personal protective equipment, job safety materials, and first aid equipment required to perform job functions in a safe and professional manner.
- c. Instruct the immediate supervisors that they shall NOT permit their employees to take chances; instead, that they shall instruct them in proper and safe procedures.

- d. Review all accidents and near accidents with the immediate supervisor, file full reports, and see that corrective action is taken immediately.
- e. Make copies of federal and state regulations available to employees.
- f. Remain familiar with the laws pertaining to safety and their basic requirements.

All employees will:

- a. Work according to good safety practices as posted, instructed, and discussed.
- b. Refrain from any unnecessary, unsafe acts that might endanger the employee or others.
- c. Use all safety devices provided for protection.
- d. Report any unsafe situation or act to the supervisor immediately.

4. **City Vehicles:** The City has a "non personal use" policy for all City vehicles. Take home vehicles are assigned to individuals essential to the public safety of the citizens or the protection of public property. Take home vehicles are to be used for emergency purposes only after normal working hours or weekends and are not intended for personal use. Misuse of a City vehicle is considered to be a serious offense and shall be sufficient cause for disciplinary action.

The use of City vehicles shall be in compliance with the City of Cottonwood Financial Operations Guide, Vehicle Usage Policy.

Any employee involved in an accident while driving a City vehicle shall adhere to the procedures outlined in Section 26, Accident Reporting Procedures, of this Employee Manual.

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## SECTION 25:

### EXECUTIVE SAFETY COMMITTEE

A. **Policy:** It is the policy of the City of Cottonwood to reduce the number of "preventable" injuries and accidents, and also to correct hazardous, or potentially hazardous, conditions and work practices that exist throughout the City's facilities and worksites.

B. **Procedure:**

1. **Executive Safety Committee:** An Executive Safety Committee will be established which will meet on a quarterly basis. Membership will be composed of Department Heads from the following departments:

Legal	Fire
Library	Public Works
Community Development	Streets
Parks and Recreation	Utility
Human Resources	Police

The Executive Safety Committee will elect a chairman who will serve a two year term. A member of the Human Resources Department will serve as a permanent member of the Executive Safety Committee and report directly to the office of the City Manager on committee activities.

2. **Safety Committee Functions:** The Executive Safety Committee will function as an advisory body to develop and recommend to the City Manager matters of City-wide policy and procedure affecting the administration of the City's safety and loss prevention program. Functions shall include, but are not be limited to the following:

- a. Formulating City-wide policies by establishing goals, objectives, and regulations to insure that directives are kept current and compliment present needs.
- b. Acting as an advisory body for City matters pertaining to safety programs.
- c. Assisting departments in integrating safety into their daily activities.

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- d. Discussing problems and ideas concerning general and specific loss prevention efforts.
- e. Reviewing and discussing investigation of accidents, injuries, and safety inspections for recognition, evaluation, and control of unsafe conditions, work practices and acts.
- f. Planning and recommending City-wide policies and procedures affecting the development of an aggressive accident prevention program for all employees.
- g. Encouraging Department Heads to solicit employees' suggestions regarding safety.
- h. Reviewing and recommending formal safety training for all employees.
- i. Maintaining minutes of each meeting and distributing copies to each Department Head and the City Manager.

3. **Safety Committee Members' Functions:** Each Executive Safety Committee member will serve as a direct link between his employees and the committee. Additionally, he will assist in the development and administration of the safety program and will actively support the committee's recommendations. Specific duties shall include, but not be limited to the following:

- a. Motivating and maintaining interest of employees to apply safe work practices within their respective departments.
- b. Recommending department safety meeting materials, new policy and/or procedure changes, and evaluation of equipment and personnel needs which will enhance loss prevention efforts.
- c. Keeping records of department safety meetings and inform the Executive Safety Committee of their progress.
- d. Evaluating accident/injury records and monitoring the progress of departmental loss prevention efforts.
- e. Requesting assistance from the Executive Safety Committee on safety problems.

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- f. Review work procedures which involve the general public, or which affect areas of the City used by the general public in an attempt to foresee and eliminate dangers to the public.

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## **SECTION 26:**

### **ACCIDENT REPORTING PROCEDURES**

A. **Purpose:** To outline the City's policy towards reporting accidents.

B. **Policy:**

1. Any accident involving City personnel or equipment must be reported to the appropriate Department Head immediately. Any motor vehicle accident, regardless of location or extent of damage, must also be reported immediately to the Police Department having jurisdiction of the accident scene. The involved employee, or appropriate Department Head if the involved employee is incapacitated, shall request police presence at the scene of the accident, and also request that the police complete a State approved accident report.
2. The Department Head must report any accident to the City Manager or Human Resources Manager/ Risk Manager within 12 hours, if possible under the prevailing facts and circumstances. If reported less than 12 hours after occurrence, documentation of the late reporting shall be required to be provided to both the Human Resources Manager and the City Manager.
3. Any accident in which an employee requires medical attention must be reported to the Human Resources Manager immediately, and said employee shall be drug tested as soon as possible under the prevailing facts and circumstances.
4. Any accident after an employee's normal working hours must be reported the morning of the employee's next regularly-scheduled working day to the Human Resources Manager. For the purposes of this Employee Manual, normal working hours means a regularly-scheduled shift or work day, as appropriate, and also includes the time an employee may be called-out for emergencies or special duty functions.
1. Any serious injury or accident involving damage to City equipment, vehicles, buildings, or any personnel, occurring after normal working hours or on weekends, must be reported immediately to the Department Head and City Manager as soon as practical under the prevailing facts and circumstances.

2. The Department Head and Human Resources Manager will insure that all accident reporting and review documents are complete and submitted as required by the City of Cottonwood Safety Policy Manual Section IV Industrial Injuries and/or Section XI Motor Vehicle Safety.

## **SECTION 27:**

### **PERSONAL CONDUCT**

- A. **Purpose:** To outline the City's policy toward the personal conduct of City employees.
- B. **Policy:**
  - 1. Employees should represent the City to the best of their abilities at all times. The impression a citizen has of the City may greatly be determined by the actions of its personnel. Individuals should take pride in their personal appearance. Punctuality, willingness to be of service, and courtesy should be observed at all times.
  - 2. Personnel shall keep City business out of social conversation. The confidential affairs of the City are not proper subjects for public discussions.
  - 3. Gambling, drinking intoxicating liquor or beer, taking non-prescription drugs, and disorderly conduct of any kind are forbidden during working hours and breaks. "Over the counter" medications, and prescription medications may be ingested by the employee in the amount specified on the particular "over the counter" medication, or as written on his prescription. Any medication deemed by a qualified, occupational medical professional to be detrimental to the performance of an employee's duties shall be grounds for restrictions of assigned duties as may be appropriate, and in accordance with the advice of the medical professional.

**SECTION 28:**

**CONTINUING EDUCATION**

A. **Purpose:** It is the policy of the City to encourage each employee to continue with his education.

B. **Policy:**

The City has initiated a tuition reimbursement plan for its employees.

Please refer to the City of Cottonwood Financial Operations Guide Subject: Tuition Reimbursement section, for the appropriate request procedures and forms to be completed for approval and reimbursement.

## **SECTION 29:**

### **SCHOOLS AND TRAINING**

**A. Purpose:** To outline the City's policy on ensuring that its employees are properly trained in the job they are assigned.

**B. Policy:**

On-the-job training will be provided by the supervisor and Department Head of the department to which the individual is assigned. Schools and training courses that are mandatory for a particular job will be paid for by the City.

Special courses that are related to an individual's work, and which are deemed to be of benefit to the employee and the City, will be paid by the City upon completion of such course. All such schooling requests will be submitted through the Department Head for prior approval by the City Manager. Special schools and training will be provided, and will be charged to the budget of the requesting employee's department.

## **SECTION 30:**

### **CONVENTIONS, SEMINARS, AND TRAVEL**

A. **Purpose:** To outline the City's policy towards leave to attend conventions, seminars, and related travel thereto.

B. **Policy:**

Leave will be granted by the City Manager or Department Head for attendance at conventions, seminars, and special training courses that relate to an employee's job.

Please refer to the City of Cottonwood Financial Operations Guide, Subject: Travel and Training section, for the appropriate request procedures and forms to be completed for approval and reimbursement.

## **SECTION 31:**

### **PROFESSIONAL ORGANIZATIONS**

A. **Purpose:** To outline the City's policy towards employees joining professional organizations.

B. **Policy:**

It is recognized by the City that, in certain instances, employees will find it to their benefit to become a member of various professional and technical organizations to further their knowledge and professionally enhance their contacts. It is the policy of the City to pay the dues for membership in such organizations, when deemed to be a benefit to the City by the City Manager.

## **SECTION 32:**

### **~~SOCIAL ORGANIZATIONS~~**

**A. Purpose:** To outline the City's policy towards employees joining social organizations.

**B. Policy:**

Each employee is encouraged to become affiliated with one or more of the many social and service organizations in Cottonwood. Dues and other payments for membership in any social organization are the responsibility of the individual employee.

**SECTION 33:**

**CHARITIES, DONATIONS, SOLICITATIONS, & ADVERTISING**

A. **Purpose:** To outline the City's policy toward donating to charities, soliciting, and advertising.

B. **Policy:**

~~It is the policy of the City to encourage employees to donate to the charities of their choice. The City will not attempt or allow others to use the City offices or personnel to collect for such charities in the employee's official capacity or during working hours.~~

~~It is the City policy that the City offices, buildings, or employees will not be utilized for advertising or display of any item, merchandise, or activity of any individual, business, or profit oriented group. Nonprofit organizations must receive permission of the City Manager to display advertisements on City property.~~

~~Soliciting is prohibited on City property at any time by City employees.~~

## **SECTION 34:**

### **ACCESS TO PUBLIC RECORDS AND PERSONNEL RECORDS**

A. **Purpose:** To outline City policy concerning access to public records requests and requests for personnel records.

B. **Policy:**

1. Personnel records are considered public records. As such, they are subject to release pursuant to A.R.S. § 39-131 *et seq.*, after appropriate redaction by the City Attorney or his designee.
2. All records, e-mails, memorandums, letters, recordings, etc., are considered public information – to the extent they were created for the purpose of carrying out the business of the City. As such, they shall be available for public inspection upon request during normal business hours. Such documents are, however, subject to appropriate redaction by the City Attorney or his designee. In some instances, records are not appropriate to be viewed during normal business hours due to a statutory restriction, a privacy interest, the determination by the City Attorney that such records are not in the best interests of the City to allow inspection or copying at a particular time, or that the requested documents have not been appropriately redacted.
3. The City Attorney prefers a public records request accompanied by a properly executed and approved Public Records Form, however, the law does NOT require that a requesting party place his request for public documents in writing; a verbal request – including a verbal request submitted by telephone or e-mail, is sufficient.
4. Upon written or verbal request, copies of public records shall be made available and such copies will be paid for at a flat rate of 25¢ per page, which sum shall be required to be paid PRIOR to the release of the requested documents.
5. Commercial requests for public records, unlike non-commercial requests, are charged at a rate that reflects the actual staffing resources utilized to find, copy and assemble those documents. For charges associated with commercial requests, refer the matter to the Legal Department. As with all public records requests, Department Heads should refer the request – whether

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for private or commercial use – to the Legal Department for appropriate review, redaction and pricing.

## SECTION 35

### EMPLOYEE PRIVACY & PREVENTING IDENTITY THEFT

**A. Purpose:**

The purpose of this section is to appropriately balance an employer's "need to know" with an employee's privacy and equal employment opportunity rights, and to prevent employee's personal information from being stolen or misappropriated.

**B. Policy:**

1. **Employment Reference Checks:** If an employee is contacted by someone for information on an another employee, such as current or past employment information, from an individual, mortgage company, loan institution, bank, credit union, etc., direct them to the Human Resources Manager. Do not give out any personal information on an employee; all requests shall be processed by the Human Resources Office.
2. **Publishing Employee Addresses:** In an effort to protect employee privacy, do not give out fellow employees' home addresses and telephone numbers. The policy of the City is that publishing employee's home address and/or personal identifying information is not acceptable.
3. **Employee Background Checks:** The Human Resources Office will perform routine background checks on non-police and non-fire employees. Background checks on Police / Fire employees shall be conducted by the Police Department. Any other background check must be approved by the City Attorney. The Police Department shall perform background checks on its employees pursuant to governing Arizona Statutes. The Police Department will retain each applicant's background information for 3 years from the application date if he was not hired. For the applicants that were hired, the Police Department will retain their files for the length of their employment with the City plus an additional 5 years. Notwithstanding the preceding retention requirements, all records shall be kept – at a minimum – in compliance with the State Library, Department of Archives retention policy, as retained by the City Clerk.
4. **Use of Recycled Paper:** When using recycled paper, employees are encouraged to use paper that does not contain fellow employees'

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information which may violate their privacy. When in doubt if the information may be private, do not use the paper.

5. **Surreptitious Recording of Employees:** It is a violation of City policy for any employee to surreptitiously record the conversation of another City employee. Violation of this policy may result in disciplinary action taken against the recording employee, up to, and including, termination. This prohibition shall not apply to official, criminal investigations conducted by the Police Department. ONLY the City Manager may grant permission to circumvent this policy, and such circumventions shall be rare.

Administrative investigations into serious allegations of employee misconduct may, however, qualify for such surreptitious recording. The decision on whether to circumvent this general prohibition, however, rests solely with the City Manager, who shall consult with the particular Department Head on the issue, in concert with the City Attorney.

**C. Preventing Employee Identity Theft:**

1. Supervisors must maintain employees' personal information in a locked cabinet or area that has limited access to others. This includes all information on employees, temporary, or otherwise.
2. Anyone that has contact with the personal information of employees should be trained on proper handling procedures.
3. Once a document containing personal information such as address, telephone numbers and/or social security numbers is not needed any longer, it shall be shredded.
4. Employees shall not retain any personal information that is not necessary for the job or legal requirements.
5. Employees shall not use the employee's social security number for any tracking purposes. Employees may use the employee's City ID number for such purposes.
6. Employee personnel files, including medical and payroll files, are to be maintained in the Human Resources Office in locked cabinets. Access to these files is limited to the employee, Human Resources staff, the employee's supervisor, Department Head, the City Manager and the City Attorney.

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## **SECTION: 36**

### **INTERNET AND E-MAIL USE POLICY**

**A. Purpose:** To provide guidelines to employees using the Internet and e-mail. The City owns the computer hardware, software, and online facilities utilized for network and Internet operations. As such, the City reserves the right to monitor all internal and external e-mail and internet access sites. Monitoring and security software has been placed on the City's internet servers. Employees should not expect that any messages exchanged, "hits" on Internet sites or documents on their hard drive are private or confidential.

The City encourages the use of Internet and e-mail systems to communicate with employees, clients and other agencies regarding matters within the employee's assigned duties and acquire information to facilitate projects and assignments.

**NOTE:** The Arizona Supreme Court has recently ruled that, indeed, strictly personal e-mails are often NOT considered public records. As such they are not necessarily subject to dissemination to outside sources pursuant to a Public Records request. This opinion reflects the Court's understanding that, as government agencies move further into the electronic communication age, purely personal phone calls, e-mails and cellular phone calls will, inevitably, be sent to – or received by – employees to-and-from- family members, friends, etc. Notwithstanding that case opinion, employees are admonished to keep such communications to a minimum, and, at all times, strive to use these tools for official business of the City of Cottonwood.

**B. Policy:**

1. The City expressly prohibits the following:
  - a. Dissemination or printing of copyrighted material (including but not limited to articles and software) that violates copyright laws.
  - b. Sending, receiving, printing or disseminating proprietary data or confidential information of the City to outside sources. When in doubt, ask for assistance from the Legal Department.
  - c. Offensive or harassing statements or language, including disparagement of others based on their race, ethnicity, national origin, gender, sexual orientation, age, disability, religious affiliation, veteran's status or political beliefs.

- d. Accessing sexually oriented sites and viewing sexually explicit materials or images, posting any messages in a sexually explicit newsgroup and any participation in "chat rooms".
- e. Operating a business, usurping business opportunities or soliciting money for personal gain.
- f. Sending or participating in chain letters, gambling or engaging in any activity in violation of local, state or federal law.
- g. Engaging in any fundraising activity, endorsing any product or service and participating in any lobbying or political activity.
- h. Forging header information in email or changing content in any way is prohibited. Impersonating another individual or using another's username or password is likewise prohibited.
- i. Downloading any software programs without the City's Information Technology Technician knowledge and approval.
- j. Making any online statement about the City or its position on issues without approval of a Department Head, the City Manager, or the City Attorney.

2. Any violation of this policy may subject the employee to the disciplinary actions as spelled out in the Disciplinary Section of this Employee Manual.
3. If unsure of specific content or email, ask your immediate supervisor.

**C. User Responsibilities:**

1. Follow existing security policies and procedures in the use of Internet and e-mail, and refrain from any practices which might jeopardize the City's computer systems and data files.
2. Learn and become familiar with basic internet etiquette, customs, and courtesies.
3. Become familiar with any special requirements for accessing, protecting, and utilizing data.

4. Perform in a professional manner at all times, in a way that reflects positively on the City.
5. Do not use City e-mail account for personal use. If an employee wishes to receive personal e-mails on his City computer, he should establish an account through a local provider.

**D. Personal Use:** Personal use of City property is permissible only when **ALL** of the following conditions are met:

1. No discernible additional cost or expense to the City is incurred.
2. There is no noticeable negative impact on the employee's performance of duties and provisions of services.
3. There is no noticeable negative impact on other City employees in the performance of their duties or provision of services.
4. It does not bring discredit or embarrassment to the City, nor create the appearance of impropriety.

## **SECTION 37:**

### **EMPLOYMENT OF PHYSICALLY OR MENTALLY IMPAIRED PERSONS**

- A. Purpose:** To establish City policy on nondiscrimination in the employment of physically or mentally impaired individuals.
- B. Policy:**
  - 1. ~~It is the policy of the City to abide by the provisions of the Federal Rehabilitation Act of 1973.~~
  - 2. ~~The City will not discriminate in hiring personnel by reason of a person's non-disqualifying physical or mental impairment.~~
  - 3. ~~The City will make reasonable accommodations for any qualified, physically or mentally impaired person, unless such accommodations would impose undue hardship upon the City in carrying out its mission. Examples include: job restructuring, modified work schedules, acquisition or modification of equipment, etc.~~

## **SECTION 38:**

### **OUTSIDE EMPLOYMENT**

**A. Purpose:** To establish City policy with regard to City employees who wish to secure employment with other individuals or businesses while remaining employees of the City.

**B. Policy:**

All City employees shall give their position with the City precedence over any type of outside work. Employees are free to carry on individual, outside work projects, so as long as no City facilities or equipment are used, and the outside work does not interfere with employees' performance of City assigned duties.

The outside work done by a staff member is of concern to the City insofar as it may:

1. Prevent the employee from performing his City responsibilities in an effective and safe manner.
2. Be prejudicial to his effectiveness in the position, or compromise the City's work obligations.
3. Raise a question of conflict of interest. For example, no outside work activities should be allowed where the employee's position in the City gives the outside entity access to confidential City information, or creates other advantage useful to the outside employer that may compromise the City's work obligations.

**C. Disclosure:**

All City employees shall disclose all outside employment activity through the Human Resources office to the City Manager to determine any potential conflicts of interest.

All City positions of a single classification (e.g. a job within the City's classification plan) and in which only one individual occupies the position, are required to conform to the normal working hours of the City as provided for in Section 9 of this Employee Manual.

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~~All leave without pay to perform outside employment must be processed through the Human Resources office for approval by the City Manager prior to the leave being actually taken.~~

D. **Police and Fire Personnel:** Police and Fire personnel working assignments outside the City's work environment must comply with those departments' internal procedures.

## **SECTION 39:**

### **ANTI-HARASSMENT**

**A. Purpose:** To promote a productive work environment and to never tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

**B. Policy:**

~~It is the policy of the City of Cottonwood to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment will not be tolerated for, yet is not limited to, the following factors: race, ethnicity, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, citizenship, veteran status, or disability.~~

~~Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including derogatory statements, not directed to the targeted employee but observed by the affected employee. Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.~~

~~All employees, and particularly Department Heads and supervisors, have a responsibility for keeping the City work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to his direct supervisor. If his direct supervisor is involved, the employee needs to go up the proper chain of command to report the incident. When a supervisor becomes aware of the existence of harassment, he must report it to his supervisor or Department Head, regardless of whether the victim wants the organization to do so.~~

~~While the City encourages employees to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that the aggrieved employee do so. It is essential, however, to notify his supervisor immediately, even if the employee is not~~

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~~sure the offending behavior actually rises to the level of harassment. Any incidents of harassment must be immediately reported. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action, up to and including termination. The City will also take all additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment, or who participates in the investigation of such a complaint.~~

~~Notice of this policy shall be posted at each City Department, in a location accessible by all employees. If this policy is determined not to have been violated, the complainant and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies.~~

~~Because of differences in employee's values and backgrounds, some individuals may find it difficult to recognize their own behavior as sexual harassment or other types of harassment; therefore, anti harassment training will be incorporated in managerial, supervisor, EEO, employee orientation and other appropriate training courses. Additionally, a copy of this policy will be furnished to each new employee.~~

## **SECTION 40:**

### **DRUG FREE WORK PLACE POLICY**

#### **A. Purpose:**

The City of Cottonwood believes that it is important to promote a drug free community, to maintain safe, healthy, and efficient operations, and to protect the safety and security of its employees, facilities and property. The use, possession, sale, transfer, manufacture, distribution, and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of City employees, facilities and property. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and decline in the quality of services provided by the City. For all those reasons, the City has established this Drug Free Work Place Policy.

This Policy supersedes and revokes all previous practices, procedures, policies, and other statements of the City, whether written or oral, that modify, supplement, or conflict with this policy.

#### **B. Definitions:**

1. The term "illegal drugs" means any controlled substance, medication or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, illegal drugs may even include over the counter medications if they are not being used for the purposes intended by the manufacturer.
2. The term "legal drugs" means any prescribed or over-the counter drugs that are legally obtained by the employee and being used for the purposes for which they were prescribed or intended by the manufacturer.

**C. Scope:**

This policy, except for the portions related to random drug testing, applies to elected officials, all job applicants, classified employees, paid, on-call employees, volunteers, temporary and part-time employees and persons engaged under contract to supply expert, professional or technical services to the City. The section relating to random drug testing applies only to those employees who are required to have a commercial driver's license (CDL) for performance of their job functions. The Police Department and the Municipal Court may adopt additional internal standards that shall apply only to those employees assigned within those departments. For instance, the Cottonwood Police Department MUST comply with all Peace Officer Standards and Training (POST) regulations as they pertain to both legal and illegal substances.

**D. Policy Dissemination and Implementation:**

1. All employees shall receive a copy of this policy and shall sign an acknowledgement of receipt of this policy as a condition of employment. By signing an acknowledgement of receipt, that employee affirms that he has read and understands this policy, and agrees to abide by it as a condition of employment.
2. All applicants who have received conditional offers of employment with the City shall be required to read this Policy before undergoing testing, and shall be required to sign an acknowledgement of receipt. By signing an acknowledgement of receipt, that applicant affirms that he has read and understands this Policy, and agrees to abide by it as a condition of employment.
3. New employees shall receive a briefing on this policy and assistance referral during new employee orientation.
4. The City Manager shall develop and maintain a training program to assist supervisory personnel in the recognition of conduct and behavior that gives rise to a reasonable suspicion that an employee is under the influence of drugs or alcohol.
5. The City Manager shall establish a drug and alcohol awareness program to inform employees of:
  - a. The dangers of drug and alcohol abuse in the workplace.

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- b. The City's policy regarding drug and alcohol abuse.
- c. The available substance abuse resources such as counseling, rehabilitation, and employee assistance programs to evaluate and resolve problems associated with the misuse of alcohol and drugs.
- d. The penalties that may be imposed upon an employee for violations of this policy.

6. Supervisors are responsible for the consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy shall be subject to disciplinary action, up to and including dismissal.

**E. Prohibited Conduct:**

Employees of the City shall not:

- 1. Report to work while impaired by drugs or alcohol, even to the slightest degree.
- 2. While on duty, use, manufacture, possess an illegal drug, or sell or distribute any illegal drug, or prescription drug, to another.
- 3. While on duty, possess or use alcohol or sell or distribute alcohol to another.
- 4. While on call, ingest an illegal drug or alcohol or be impaired by the use of an illegal drug or alcohol.

**F. Use of Legal Drugs/Medication:**

- 1. Any employee who has reason to believe that the use of legal drugs, such as a prescribed or over the counter medication, may pose a safety risk to any person or interfere with the employee's performance of his or her job must report such legal drug use to his or her supervisor prior to beginning work.
- 2. Failure by an employee to advise a supervisor of legal drug use that may interfere with the safe and effective performance of duties or operation of City equipment may result in disciplinary action.

3. In the event that there is a question regarding an employee's ability to safely and effectively perform assigned duties while using a legal drug, clearance from a physician named by the City shall be required.

**G. Drug and Alcohol Testing for All Employees:**

All City employees and job applicants shall provide urine, blood, breath, or other samples for drug and alcohol testing under the following circumstances:

**1. Pre-employment Testing**

- a. All applicants who have received conditional offers of employment with the City shall undergo testing for illegal drugs. Any applicant who tests positive for illegal drugs and who does not timely and successfully refute the test results by explanation or retesting, as provided for in this policy, shall not be hired.
- b. Pre-employment testing shall also apply to current employees who transfer or are promoted into a position that requires a CDL.
- c. Applicants shall not be allowed to substitute City testing with their own medical facilities and/or laboratories.
- d. Applicants who held CDL positions with previous employers shall sign a release form that allows the City to obtain alcohol and drug test results and information from all previous employers for the past two years.

**2. Reasonable Suspicion Testing**

- a. The term "reasonable suspicion" means a belief based upon observations through the senses of specific objective facts. Circumstances which constitute a basis for determining "reasonable suspicion" that an employee is under the influence of a drug or alcohol may include, but are not limited to:

1. A pattern of abnormal or erratic behavior, speech and performance.
2. Information provided by a reliable and credible source.
3. Direct observation of drug or alcohol use or evidence of such use, such as the unauthorized presence of beer cans in a work vehicle.
4. Presence of the physical symptoms of drug or alcohol use, such as glassy or bloodshot eyes, the odor of alcohol, slurred speech or poor coordination.

- b. Before requiring a reasonable suspicion test, the employee's supervisor must gather supporting information and, unless the supervisor is the City Manager, obtain approval for testing from a supervisor at one level above him in the chain of command.
- c. An employee shall undergo drug and alcohol testing if management has a "reasonable suspicion" that the employee has violated this policy.
- d. If a "reasonable suspicion" test is required, a supervisor shall drive the employee to the testing site.

3. **Post-Accident/Post-Injury Testing**
  - a. All City employees involved in a personal or motor vehicle accident while on duty shall be tested for drugs and alcohol as soon as practical after the accident or injury if the incident results in a fatality, an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and/or the vehicle involved in the accident sustains disabling damage.
  - b. If a supervisor is available, he shall drive the employee to the testing site.
  - c. An employee who is involved in a personal or motor vehicle

accident shall be readily available for such testing or the City shall treat the employee as having refused to submit to such testing. An employee subject to post-accident testing shall not use drugs or alcohol prior to undergoing a post-accident test.

- d. Nothing in this Section shall be construed to require the delay of necessary medical attention to an injured employee following an accident or injury, nor shall it prohibit a driver from legally leaving the scene of an accident to obtain assistance in responding to the accident, or to obtain necessary care.

#### **4. Treatment Program Testing**

Any employee who has been referred by the City for chemical dependency treatment or evaluation, or who is participating in a chemical dependency treatment program under an employee benefit plan, may be required to undergo drug and alcohol testing. The employee is subject to unannounced, follow-up alcohol and drug testing, as directed by a certified substance abuse counselor or other certified medical professional.

#### **H. Random Drug and Alcohol Testing for Employees Required to Have a CDL:**

1. Random drug and alcohol testing is required of all CDL drivers under the Federal Highway Administration's (FHWA) Controlled Substances and Alcohol Use Rule (49 C.F.R., Parts 38 and 40).
2. Random alcohol testing shall be administered at a minimum annual rate of 25% of the average number of CDL driver positions. Random drug testing shall be administered at a minimum annual rate of 50% of the average number of driver positions. The minimum percentage of testing may be changed when required by federal law.
3. Random drug and alcohol testing selection shall be made by a computer program. All CDL employees shall be placed in a random pool and shall have an equal chance of selection each time a new random selection is generated.
4. Random drug and alcohol testing shall be unannounced and performed

at the time the CDL driver reports to work, during the work day, at the end of the work day, or while on call. Drivers shall immediately report to the test site upon being advised verbally by their supervisor of their selection for a random test.

5. Random drug and alcohol testing may be combined. For example, when testing at 50% drug random rate and 25% alcohol random rate, half the randomly selected employees chosen for testing could be tested for both drugs and alcohol while the rest could be tested only for drugs.

**I. Specimen Collection and Testing Procedures:**

1. Appropriate professional personnel shall supervise the collection of urine and blood specimens for testing. In the absence of a reasonable suspicion that the test subject will alter or substitute a urine specimen, collection personnel shall not directly observe a collection of urine.
2. The City shall take steps to preserve the chain of custody of specimens in order to ensure testing accuracy.
3. **Alcohol Testing**
  - a. Alcohol testing shall be conducted by the City's Occupational Health Provider's technician, trained to operate an evidential breath test device (breathalyzer). The breathalyzer shall be on the National Highway Traffic Safety Administration's "Conforming Products List of Evidential Breath Measurement Devices."
  - b. If the breathalyzer indicates a blood alcohol concentration of less than .02 during the screening test, then the test shall be considered negative and further testing shall not be conducted.
  - c. If the breathalyzer indicates a blood alcohol concentration of .02 or higher during the screening test, then the City's Occupational Health Provider shall conduct a confirmation blood test.

- d. If the confirmation test confirms a blood alcohol concentration of .02 or greater, then the employee shall not be permitted to perform any safety-sensitive functions, including driving while on duty, for at least twenty-four (24) hours after the test.
- e. If the confirmation test confirms a blood alcohol concentration level higher than .08, then the employee may be disciplined, up to and including dismissal, or referred to a substance abuse counselor for evaluation.

**4. Drug Testing**

- a. All drug testing based on urine specimens shall be conducted at a Department of Health and Human Services (DHHS) certified laboratory.
- b. If the specimen indicates no drugs are present, no further testing shall be conducted.
- c. If the specimen indicates the presence of drugs, then a second test shall be conducted using an alternative method to confirm the positive result. If the test is verified as positive, then the results shall be sent to a Medical Review Officer (MRO). The MRO shall be a physician with specialized training in drugs and drug abuse.
- d. It is the responsibility of the MRO to make the final determination of a positive drug result. Prior to making that determination, the MRO shall make every reasonable attempt to contact the employee to determine whether there is a justifiable reason for the positive result. If a justifiable reason exists, then the MRO shall report the result as negative.
- e. If no justifiable reason exists, then the MRO shall report the result as positive.

**5. Testing Costs**

The City will pay for any drug or alcohol test required under this

Policy. Testing of employees and employee applicants shall be done while on duty.

**6. Suspensions Pending Test Results**

Pending receipt of test results, written explanations, and retests of initially positive test results, employees shall be temporarily suspended with pay.

**J. Confidentiality and Records:**

1. Any City employee who reports or takes a report indicating that another employee has violated this policy shall keep that information confidential, except to report it to a supervisor. Any material gathered in an investigation of such an allegation or suspicion, including names, statements, tests and other information supplied by the persons involved, shall be kept confidential by all City employees. This section shall not be construed so as to prevent the City from taking disciplinary action. Nor shall it be construed so as to prevent contact with law enforcement personnel.
2. Records relating to allegations, suspicions, investigation and testing under this policy shall be maintained in the employee's medical file, separate from other employment-related documents. This information shall only be released as required or permitted by law or as expressly authorized. Upon written request, an employee shall have access to any of his drug or alcohol testing records.
3. Records shall be maintained according to federal and state law and regulations.

**K. Right to Explain Positive Drug and Alcohol Test Results:**

1. Any employee or applicant who tests positive on a confirmatory test, on any drug or alcohol test required by the City, may:
  - a. Submit additional confidential information to the City in an attempt to explain a confirmed positive test result.
  - b. Request in writing a confirmatory retest of an original sample of blood or urine, provided that the request is received by the

City within five (5) working days after the employee or applicant has been informed of the result.

2. Confirmatory retests under this section shall be paid for by the employee or applicant and may be conducted only by laboratories that are approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

**L. Consequences of Test Refusal:**

1. Employees and applicants may refuse to undergo drug and alcohol testing. However, employee refusal to undergo drug or alcohol testing is cause for immediate dismissal. Applicants who refuse to undergo drug testing shall not be hired.
2. The following behaviors constitute refusal:
  - a. Failure to provide adequate breath or urine for testing without a valid medical explanation. Medical documentation shall be required for a valid medical explanation.
  - b. Conduct that clearly obstructs the testing process or failure to remain available until testing is completed.
  - c. Failure to show up for scheduled or required testing, unless medical documentation satisfactorily explains the failure is provided.
3. If an employee fails to take or refuses to take a required drug or alcohol test, or whose test results are not known, shall not perform or continue to perform safety-sensitive functions.

**M. Consequences of a Confirmed Positive Test Result:**

1. Applicants with a conditional offer of employment who test positive on a confirmatory drug test for illegal drugs and who do not timely and successfully refute the test results by explanation or retesting as provided for in this policy shall not be hired.
2. Any employee who tests positive for illegal drugs or alcohol, and

who does not timely and successfully refute the test results by explanation or retesting as provided for in this policy shall be subject to dismissal.

3. The following list of consequences serves as a guideline only. The City reserves the right to take other, or additional, action – up to and including dismissal, based on the facts and circumstances of each situation.

**a. First and Second Offense**

1. First offense within a three-year period. An employee who tests at a blood alcohol level of .02 or above or tests positive for illegal drugs for the first time, and does not timely and successfully refute the test results by explanation or retesting, will be subject to a three (3) day suspension without pay, beginning on the day of the receipt of the positive confirmatory test result. Such employee shall also be referred for a chemical dependency evaluation with a certified substance abuse counselor, and will be required to sign an appropriate "last-chance" agreement with the City governing substance abuse and testing.
2. Second offense within a three-year period. An employee who tests at a blood alcohol level of .02 or above or positive for illegal drugs for the second time within three years, and does not timely and successfully refute the test results by explanation or retesting, will be subject to immediate dismissal.

**b. Referral to a Substance Abuse Counselor**

1. An employee who is referred to a substance abuse counselor may be required to undergo treatment or rehabilitation at his own expense. The substance abuse counselor may recommend that the employee complete a return-to-duty test before returning to work. The results of the test must be negative. An employee who fails a return-to-duty test shall be subject to immediate termination.

2. An employee's continued employment shall be contingent upon complying with this policy, keeping scheduled appointments with the substance abuse counselor, testing negative in return-to-duty drug and alcohol tests, following the treatment plan established by the substance abuse counselor, and testing negative in follow-up drug and alcohol tests.
3. Disciplinary action based on a violation of this policy shall not be suspended because of an employee's participation in a drug or alcohol abuse treatment or rehabilitation program.

**N. Self Identification:**

1. Employees may voluntarily self-identify that they may be impaired by drugs or alcohol, or that they have a drug or alcohol abuse problem. This opportunity is available only once. Such self-identification shall be completely voluntary.
2. Self-identification is not allowed after an employee has been notified to report for any testing as required by this policy.
3. Discipline will not be initiated because the employee has self-identified.
4. A self-identified employee shall be referred to a substance abuse counselor and may be required to undergo treatment or rehabilitation at his or her own expense. The substance abuse counselor may recommend that the employee complete a return-to-duty test before returning to work. The results of the test must be negative. An employee who fails a return-to-duty test shall be subject to immediate termination.
5. An employee's continued employment shall be contingent upon complying with this policy, keeping scheduled appointments with the substance abuse counselor, testing negative in return-to-duty drug or alcohol tests, following the treatment plan established by the substance abuse counselor, and testing negative in follow-up drug and alcohol tests.

**O. Criminal Drug Convictions:**

1. Any employee who is convicted for a violation of any criminal drug statute shall notify the City of the conviction within five (5) calendar days of the conviction.
2. If the City department in which the convicted employee is assigned receives any grant funding from the federal government, the conviction shall be reported to the granting agency within ten (10) calendar days of receiving notice of the conviction, if the grant is conditioned on such reporting requirements.
3. Within thirty (30) calendar days of receiving notice from the employee of such a conviction, the City shall:
  - a. Take appropriate personnel action against the employee, up to and including dismissal.
  - b. If the employee is not dismissed, refer the employee to a substance abuse counselor.
4. An employee referred to a substance abuse counselor may be required to undergo treatment or rehabilitation, at the employee's expense. The substance abuse counselor may recommend that the employee complete a return-to-duty test before returning to work. The results of the test must be negative. An employee who fails a return-to duty test shall be subject to immediate dismissal.
5. Continued employment of employees who have been referred to a certified substance abuse center shall be contingent upon complying with this policy, keeping scheduled appointments with the substance abuse counselor, testing negative in return-to-duty drug or alcohol tests, following the treatment plan established by the substance abuse counselor, and testing negative in follow-up drug and alcohol tests.

## **SECTION 41:**

### **HIPAA POLICY AND PROCEDURES**

#### **A. Purpose:**

To give guidance on how City employees may use or disclose Protected Health Information ("PHI") once it has been determined that the use or disclosure is permissible, in accordance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

#### **B. Policy:**

1. **General:** The privacy of employee medical information has always been an important issue to the City. The City respects the privacy of employee medical information and has enacted this policy and procedure to ensure that employee medical information is not inappropriately used or disclosed. This policy is designed to comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
2. Protected Health Information (PHI) may be used or disclosed only as permitted by this section of the Employee Manual, the HIPAA Privacy Rule, and Arizona law. PHI is essentially any information that does (or may) identify someone and that relates in any way either to the provision of health care or payment for health care.
3. Only those persons whose job duties require them to have access to PHI may view or use PHI. PHI may only be disclosed to people or entities outside of the City as permitted by this section of the Employee Manual and HIPPA standards. The Human Resources Manager is the City's primary Privacy Officer and the Human Resources Technician serves as the secondary Privacy Officer. Any questions regarding this Policy must be directed to the Privacy Officer. The Privacy Officer is also the City's contact person for any internal privacy questions or complaints, and for employees to contact in the event they have any questions, complaints or requests with regard to their medical records and PHI.

#### **C. Procedures:**

1. **Confidentiality and Privacy:** All employees will keep PHI confidential and private and will not use or disclose PHI unless permitted by this section of the Employee Manual and HIPAA standards.

1. **Training Required:** All proposed uses or disclosures of PHI must be reviewed by the Privacy Officer who has completed HIPAA training.
2. **Notice of Privacy Practices:** The City has adopted a Notice of Privacy Practices with its Covered Entity, the Verde Valley Employee Benefits Trust. This Notice of Privacy Practices must be given to each employee when he receives his first service from the Trust after April 14, 2003. The City has an authorization form for "Release of Medical Information" and a "Revoke/Terminate a Prior Authorization" form allowing the City Privacy Officer to work with the Entity or other Business Associates on a specific medical matter. All employees will be asked to sign an authorization form before the City takes any action. The Entity will request that an employee sign their Notice of Privacy Practices form noting an employee's rights in accordance with HIPAA. If the employee refuses to sign the Notice of Privacy Practices form, a notation in the employees medical records will be made or the efforts made to have the employee sign the form (e.g. asked employee to sign the form) and the reason it was not completed (e.g. employee refused). All employees are required to read and fully understand the Notice of Privacy Practices. The Notice more fully explains the Entity's Privacy Policy and Procedures, and is incorporated into this Policy by this reference.
3. **Uses:** A "use" of PHI is the internal sharing, employment, application, utilization, examination, or analysis of such information between the City and its Entity. PHI may be used only in compliance with this section of the Employee Manual and the Notice of Privacy Practices.
4. **Minimum Necessary:** Each employee may have access to and use only the minimum necessary amount of PHI needed for that employee to perform his or her duties.
5. **Disclosures:** A "disclosure" of PHI is the release, transfer, provision of access, or divulging in any manner of PHI outside the City or Entity. The City may only disclose PHI as permitted by a signed Authorization Form and the City will only disclose what the Notice of Privacy Practices permits.
6. **Business Associates:** The City and the Entity may only disclose PHI to a Business Associate if the business associate has signed a Business

Associate Agreement. (Example of Business Associate: Verde Valley Occupational Medicine, LLC).

7. **Procedure:** Once an employee has determined that a disclosure is permitted by the Notice of Privacy Practices, the employee must inform the Privacy Officer of the requested disclosure to obtain permission to disclose the PHI. The Privacy Officer will make a determination whether the PHI may be disclosed.
8. **Mitigation:** If any employee becomes aware of any use or disclosure of PHI that is not expressly permitted by this Policy or the Notice of Privacy Practices, that employee should report that use or disclosure immediately to the Privacy Officer. After any non-permitted uses and disclosures, the City and/or the Entity will use its best efforts to mitigate the harmful effect of that use or disclosure.
9. **Individual Rights:** The City's employees have the right to: (1) request restrictions of use and disclosure of their own PHI; (2) access, inspect and obtain copies of their PHI; (3) request amendments to their PHI; (4) receive an accounting of PHI disclosures.
10. **Accounting of Disclosures:** The City and the Entity must maintain an accounting of all disclosures made to people outside of the City and the Entity, except for those: (1) to carry out Treatment, Payment, or Health Care Operations, as defined in the Notice of Privacy Practices; (2) to the individual; (3) pursuant to an authorization signed by the individual specifically allowing the disclosure to the person for that reason; (4) for national security or intelligence purposes; or (5) to correctional institutions or law enforcement. A copy of a form for the employee to request an accounting of disclosures and a copy of the "Accounting of Disclosures" form is attached to this Employee Manual in the appendices section.
11. **Sanctions:** Any City employee or Entity member who violates this Policy will be disciplined in accordance with City or Entity discipline policies and procedures.
13. **Forms:** See Appendix G for the Authorization Form for Release of Medical Information and Revoke/ Terminate a Prior Authorization.

## **SECTION: 42**

### **PERSONAL PHONE USAGE POLICY**

**A. Purpose:** To maintain productive working environment for the employee, City and customers.

**B. Policy:**

1. The City recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases, personal calls should be minimal, whether the calls are placed or received, whenever using company phones or personal phones. Receiving and placing excessive personal calls is disruptive to others. Therefore, abuse is subject to disciplinary action following normal disciplinary procedures.
2. Employees shall not, under normal circumstances, use City phones for personal long distance calls. In an emergency situation, if the City phone must be used, the employee shall reimburse the City for long distance charges, if incurred. City phone bills will be monitored.
3. If an employee is in a role that is in continuous contact with the public, such as a front desk/ receptionist position, that employee needs to avoid personal phone calls while waiting on customers, or if there are customers waiting to be helped. If the employee would need to make or take an emergency personal call while in this situation, he needs to step away from the area or ask for a back up to assist the customers.

## **SECTION 43:**

### **ETHICS AND CONFLICT OF INTEREST**

**A. Purpose:** To establish the City policy on ethics and conflict of interests.

**B. Policy:**

1. Employees are expected to use good judgment, adhere to high ethical standards and avoid situations that create an actual or perceived conflict between their personal interests and those of the City of Cottonwood. The City of Cottonwood requires that the transactions employees participate in are ethical and within the law, both in letter and in spirit.
2. The City of Cottonwood recognizes that different organizations have different codes of ethics. However, just because certain actions may be acceptable by others outside of the City of Cottonwood as "standard practice", is by no means a sufficient reason to assume that such practices are acceptable as to the City. There is no way to develop a comprehensive, detailed set of rules to cover every business situation. This policy outlines some basic guidelines for ethical behavior at the City of Cottonwood. Whenever employees are in doubt, they should consult with their supervisor.
3. Conflicts of interest or unethical behavior may take many forms including, but not limited to, the acceptance of gifts from competitors, vendors, potential vendors, or customers of the organization. Gifts may only be accepted if they have a nominal retail value and only on appropriate occasions (for example, a holiday gift). Employees are cautioned not to accept any form of remuneration or non-business related entertainment, nor may employees sell to third parties any information, products, or materials acquired from the organization. Employees are prohibited from engaging in financial participation, outside employment, or any other business undertaking, that is competitive with, or prejudicial to, the best interests of the City.
3. If an employee or someone with whom the employee has a close personal relationship is a vendor, or potential vendor, the employee must disclose this fact in writing to Human Resources. The organization will determine what course of action must be taken to resolve any conflict it believes may exist. If the conflict is severe, the City of Cottonwood may be forced to ask

~~the employee to tender his resignation. The City Manager, working in concert with the City Attorney, has sole discretion to determine whether such a conflict of interest exists. Employees are encouraged to seek assistance from their supervisors with any legal or ethical concerns. However, the City of Cottonwood realizes this may not always be possible. As a result, employees may contact Human Resources to report anything that they cannot, under the prevailing facts and circumstances, discuss with their supervisor.~~

## **SECTION 44:**

### **ON CALL/ CALL BACK POLICY**

**A. Purpose:** To establish parameters for “on call” or “call back” to work. In addition, this policy is to ensure a timely call-out response and is particularly geared to compensate the water, wastewater, and street staff for this duty. The Police Department and Fire Department have their own, internal policies for on call / call back procedures.

**B. Policy: On-Call**

**1. On-Call Procedures:**

- a. Special assignments are often given to classified, non exempt, employees available for work during non-duty hours. Employees are free to enjoy their personal time while on call, but will be required to carry communication devices, such as cell phones, pagers, and/or radios, provided by the City. Employees assigned to be on-call must be able to respond to the scene of the call-out within 20 minutes.
- b. The employee assigned to be on-call may be required to work for a person that calls in sick. If this occurs, and the called-out employee has already worked their 40 hours per week, they will be paid time and one-half for each hour over the 40 hours worked.
- c. If an employee assigned to work a single-employee shift such as a weekend or holiday is sick, the employee must call in sick to the on-call person, as well as their supervisor, at least 30 minutes prior to the start of the sick person's shift.
- d. The on-call employee must adhere to all City policies, including substance abuse and testing. Any variance from such policies may result in disciplinary action, up to and including dismissal.
- e. Any on-call employee must be fit to report to duty.
- f. An employee who is on call must meet the following criteria;

- i. Thoroughly check the working status of the cell phone and/or pager before the call status begins and maintain it in operational mode at all times.
- ii. Stay within proper range to be able to arrive to the work site within 30 minutes or less of after receiving the call.
- iii. If the employee does not meet the criteria listed above, he will forfeit the call pay from the time of the first attempt to contact him to the end of the call period.

## 2. On-Call Pay

- a. On-call pay will be \$16.00, per day, per weekday, even if they are working a scheduled shift. Weekends and holidays will be compensated at \$24.00, per day (even if they are working a scheduled shift).
- b. The on-call period (day) will begin immediately after the end of the day shift and continue until the beginning of the next day shift. The on-call period will start at the end of the day shift on Tuesday and continue through the week until the next Tuesday morning at the beginning of the day shift.
- c. A minimum of one (1) hour will be paid for each call-out while on-call.
- d. On-call overtime begins when you get to work and ends when you leave the place of work. If the employee has taken a City vehicle home at the City's direction to use for on-call duties, the employee's on-call overtime will be paid from the time it takes to drive to and from the call out.
- e. On-Call pay cannot be taken when an employee is:
  - i. taking a vacation, holiday, birthday, or personal day.
  - ii. Absent for illness.
  - iii. Absent for funeral leave.

iv. ~~On a leave of absence.~~

v. ~~Not available for work.~~

**C. Call Back**

**1. Call Back Procedures:**

- a. ~~Employee's after hours contact information will be given to Police Communications to enable the Police Department to contact employees that need to come back to work for an emergency. They will go down the list of employees until they are able to reach someone who can report to work.~~  
~~Departments may utilize some other form to contact employees as long as fire/police dispatch also has the contact information.~~
- b. ~~Employees will be considered at work from the time they receive the call to return to work until the work is completed (i.e., Portal to Portal).~~
- c. ~~Employees that are called back to work will receive a minimum of two (2) hours pay for each call back.~~
- d. ~~The employee must meet the criteria listed above in B. 1 (d-e) and B. 2 (e).~~

**APPENDIX A: (Revision Effective 11-07-08)**

**EMPLOYEE ACKNOWLEDGEMENT FORM**

**City of Cottonwood EMPLOYEE MANUAL, 2007 Edition, effective June 2007 with Revision No. 1, effective November 7, 2008**

**I, \_\_\_\_\_, an employee of the City of Cottonwood, have read and understand and been given a copy or have access to the current City's Employee Manual with Revision Number 1.**

**I further understand that my employment and this manual does not create a contract with the City of Cottonwood for any purpose and that the provisions of this manual may be modified or eliminated at any time.**

**Employee's Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

**APPENDIX B: (Revision Effective 11-07-08)**

**REVISIONS:**

No. 1, Effective November 7, 2008, Sections: 5, 8, 10, 11, 13, 41, & 42

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 1**

#### **1.0 Policy**

The City of Cottonwood Transit System is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. The City of Cottonwood employees are our most valuable resource and it is our goal to provide a healthy, safe, and satisfying working environment which promotes personal opportunities for growth. There are public safety concerns regarding substance abuse issues for public transit employees that must be addressed in addition to the concerns for substance abuse by City employees in general.

**Because of the extreme public safety concerns in public transit, the Cottonwood Area Transit System has a “No Tolerance” policy for employees who test positive for drugs or alcohol. If you test positive for drugs or alcohol, your employment with the Cottonwood Area Transit System will be terminated.** Potential re-employment with the City under another department can only be considered under the City policies applying to such department.

In meeting the above goals, it is our policy to:

- 1) Assure that transit employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.**
- 2) Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;**
- 3) Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances; and**
- 4) To encourage employees to seek professional assistance anytime personal problems arise, including, but not limited to, alcohol or drug dependency, which will adversely affect their ability to perform their assigned duties.**

This policy is in addition to the City of Cottonwood Employee Manual, Section 40, Drug-Free Work Place Policy, revised June 2007, due to the additional requirements and protections needed to ensure public safety in public transit. If there is any conflict between this policy and the City of Cottonwood Employee Manual Drug-Free Workplace Policy, this policy will control individuals covered by this policy as defined in Section 3.1 below. Other City of Cottonwood departments may utilize, from time to time, the random drug testing system instituted by CATS under this policy. If other City employees are referred to the CATS random drug testing program, then the portions of this policy concerning the operation of the random drug testing program will control. Potential disciplinary results due to random testing will then be handled by the department referring the employee under the policies governing that department.

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 2 (continued)**

This policy was adopted in its original form by the Cottonwood City Council on December 18, 1995. A copy of the signed adoption by the Cottonwood City Council is attached to this policy. Anytime this policy is amended or updated, the policy will contain the date, proof of adoption of the amended policy by the Cottonwood City Council and the date the amended policy became effective.

#### **2.0 Purpose**

This policy assures worker fitness for duty and is intended to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FA) of the U.S. Department of Transportation (USDOT) has published regulation in the 49 CFR Parts 40 and 655, as amended, that mandate urine drug testing and breath alcohol testing for transit employees in safety sensitive positions and prohibits covered employees from performing safety sensitive functions when they have received a positive test result. The USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath samples for drug and alcohol tests. This policy is intended to fulfill the requirements of all applicable Federal Transit Administration regulations.

#### **3.0 Applicability and Training**

##### **3.1 Persons covered by policy**

This policy applies to all Cottonwood Area Transit System (“CATS”) full-time and part-time employees, volunteers, and contract employees, contractors, and City employees of other departments when such person(s) are performing any Safety Sensitive Duties or when they are on transit property for CATS-related business (hereinafter “Covered Employees”). “Safety Sensitive Duties” are defined as any duties related to the safe operation of mass transit service including but not limited to:

- Driving any CATS vehicle, regardless of driver's license category required.
- Dispatchers who control the operation of CATS vehicles.
- All automotive mechanics performing mechanic's servicing on CATS vehicles, whether working as an employee of CATS or as any other form of City employee.

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 3 (continued)**

- Whenever any employee performs a function requiring a Commercial Driver's License ("CDL"), whether or not that employee holds a CDL.
- Any actions by a Transportation Manager to fill in and perform any of the above described duties.

This policy applies while a Covered Employee is on duty and to off-site lunch periods or breaks when a Covered Employee is scheduled to return to work. Visitors and vendors are also governed by this policy while on transit premises or performing work for CATS and will not be permitted to conduct transit business if found to be in violation of this policy.

#### **3.2 Training**

All Covered Employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the signs and symptoms, which may indicate prohibited drug use. All training will be provided by the supervisor/transportation manager. All training documentation will be documented in the employees training file.

Supervisors responsible for making the decision to order reasonable suspicion testing under this policy must receive a minimum of 60 minutes of training on drug and 60 minutes of training on alcohol information regarding the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

Supervisors/transportation managers will be trained by a certified substance abuse program administrator provided by Arizona Department of Transportation under the 5311 Program of the State of Arizona.

#### **4.0 Prohibited Uses**

##### **4.1 Illegally Used or Possessed Controlled Substances and Drugs**

Illegal possession or use of any drug or substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 thorough 1300.15 is prohibited under this policy. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the US Drug Enforcement Administration or the US Food and Drug Administration. Illegal use includes but is not limited to the use of any illegally

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 4 (continued)**

~~possessed drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.~~

#### **4.2 Prohibited Use of Legally Prescribed Drugs**

~~The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited; however, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the Covered Employee on the impact of the substance on the employee's work duties before performing such duties.~~

~~A legally prescribed drug means that the individual has a prescription or other equivalent written approval from a physician for the use of a drug appropriate for a medical condition and the drug is properly used in the course of medical treatment. The prescription or equivalent written approval must include the patient's name, name of the substance, quantity and scheduling of doses, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.~~

### **5.0 Prohibited Conduct**

#### **5.1 Manufacture, Trafficking, Possession, and Use**

~~All Covered Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances on transit authority premises, in transit vehicles, in uniform, or while on transit authority business. A violation of this requirement will result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.~~

#### **5.2 Intoxication/ Under the Influence**

~~Any Covered Employee who is suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Covered Employees who fail to pass a drug or alcohol test shall be terminated. A drug or alcohol test is considered positive if the individual is found to have a confirmed, quantifiable presence of a prohibited substance in the body above the minimum threshold defined in 49 CFR Part 40, as amended, or if the individual refused to take a test as defined in section 5.4.~~

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 5 (continued)**

#### **5.3 Alcohol Use**

~~It is prohibited for a Covered Employee to report for duty or remain on duty when his ability to perform assigned Safety Sensitive Duties is adversely affected by alcohol. Breath alcohol concentrations greater than .02 are prohibited whether or not the Covered Employee's ability to perform assigned Safety Sensitive Duties are affected. Any alcohol consumption is prohibited during the following conditions:~~

- ~~1) Four (4) hours prior to reporting for duty.~~
- ~~2) While on duty.~~
- ~~3) For eight (8) hours after an accident unless already tested after the accident under this policy.~~
- ~~4) When the employee is scheduled to be on-call.~~

#### **5.4 Compliance with Testing Requirements- Refusals**

~~All Covered Employees are required to comply with the FTA regulations regarding drug and alcohol testing, as a condition of being hired and of continued employment. Covered Employees who refuse to take the tests required by this policy and FTA regulations will be treated as having had a positive test result and will be terminated. Behavior which constitutes a refusal includes but is not limited to:~~

- ~~1) Documented verbal or written refusal to take a test.~~
- ~~2) Failure to appear for a test in the time allotted when sent by the City.~~
- ~~3) The inability to provide sufficient volume of urine sample or breath sample without a valid medical explanation. The Medical Review Officer ("MRO") will determine if a valid medical explanation exists by conducting a medical examination and consulting with the Covered Employee's physician.~~
- ~~4) Tampering with or attempting to adulterate the specimen or the collection procedure.~~
- ~~5) Leaving the scene of an accident without a valid medical or law enforcement reason before the tests have been conducted.~~

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 6 (continued)**

- 6) Refusal to sign the USDOT Drug Testing Custody and Control form.
- 7) Refusal to sign step #2 on the USDOT Alcohol Breath Testing form.
- 8) Conduct which prevents the completion of a required drug or alcohol test.

#### **5.5 Failure to Notify of a Criminal Drug Conviction**

~~All Covered Employees are required to notify CATS in writing, of any criminal drug statute conviction for a violation occurring in the work place within 5 days after such conviction. Failure to comply with this provision shall result in termination.~~

#### **5.6 Failure to Properly Apply Policy**

~~CATS is dedicated to assure the fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regards to subordinates, shall be terminated from employment.~~

#### **6.0 Testing Procedures**

~~Analytical urine drug testing and breath testing for alcohol will be conducted as required by applicable Federal regulations. Alcohol testing may be required just before, during, or after performance of Safety Sensitive Duties. Drug testing may be required anytime while on duty. All testing for the presence of illegal drugs or the alcohol testing process, safeguards the validity of the test results and ensures the test results are attributed to the correct Covered Employee. This will be accomplished by conducting all drug and alcohol testing in accordance with the procedures set forth in 49 CFR Parts 40 and 655, as amended. The laboratory facility evaluating all drug tests is certified by the U.S. Department of Health and Human Services (DHHS) and will conduct testing in accordance with procedures set forth in 49 CFR Part 40. In addition, as required by FTA regulations, three (3) sample tests per 100 tests will be evaluated by the laboratory facility for quality control assurances for the protection of Covered Employees. The certified laboratory being used is:~~

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 7 (continued)**

Southwest Laboratories  
2727 W. Baseline Road Suite 1  
Phoenix, AZ 85282  
Phone: (602) 438-2737

**6.1 Drug Test Procedures**

~~The integrity of the testing process is to be insured through examination of picture identification of Covered Employees to be a testing donor; use of a Federal Drug Custody and Control Form with a unique specimen identification number completed by a trained collection site person who insures that the Custody and Control Form is completed correctly and signed and certified by the Covered Employee donor; and collection of Split Sample specimens that are sealed and initialed by the Covered Employee donor. The sample will be tested for drugs covered under the FTA requirements including, but not limited to, marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).~~

~~At a collection site determined by CATS, a minimum of 45 ml of urine will be collected and split into two samples at the collection site. Any Covered Employee who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution, will be required to undergo an Observed Collection. CATS also reserves the right to re-test Covered Employees, under Observed Collection, whose original test was determined by the lab to be too diluted to test. An Observed Collection means that direct observation must be made by a collection site person of the same gender as the Covered Employee being tested while the Covered Employee produces the testing sample. A Covered Employee who is unable to give a large enough sample for testing, will be required to remain at the collection site and will be given up to three hours to deliver 45 ml of urine and shall be allowed to drink up to 40 ounces of water in order to aid in fulfilling the testing sample requirements.~~

~~At the certified laboratory, an immunoassay initial drug screen will be conducted on one of the samples to determine if the prohibited drugs are present. If the initial test result is positive, a confirmatory Gas Chromatography-Mass Spectrometry (GC/MS) test will be performed. A positive GC/MS test will be sent to the MRO, who must be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result, together with the individual's medical history and any other relevant biomedical information. It is the role of the MRO to use the procedures set forth in 49 CFR Part 40 to review, interpret, and verify all test results, protect the integrity of the testing process, and safeguard the rights of the Covered Employee. The MRO being used by this system is:~~

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 8 (continued)**

Occupational Physician Services  
Timothy Theodore Woehl, M.D. MRO  
1501 N. Gilbert Road Suite 205  
Gilbert, AZ 85234  
PHONE: (480) 539-3947  
FAX: (480) 926-3514

~~The MRO will perform prescribed testing duties including, but not limited to:~~

- ~~(1) Receive the results of the drug tests from the laboratory.~~
- ~~(2) Conduct an administrative review of the control and custody form to ensure its accuracy.~~
- ~~(3) Review and interpret a Covered Employee's confirmed positive test by (a) reviewing the Covered Employee's medical history, including any medical records and biomedical information provided, (b) affording the Covered Employee an opportunity to discuss the test result, and (c) deciding whether there is a legitimate medical explanation for the result, including legally prescribed medication.~~
- ~~(4) Notify each Covered Employee who has a positive test that the employee has 72 hours in which to request a test of the split sample at another certified laboratory at the Covered Employee's own expense.~~
- ~~(5) Report each verified test result to the person designated by CATS.~~
- ~~(6) To protect the Covered Employee's privacy and testing program confidentiality.~~

~~A positive drug test will result in termination, unless there is a legitimate medical explanation for the positive result, as determined by the MRO.~~

**6.2 Alcohol Testing Procedures**

~~The integrity of the alcohol testing process is insured by examination of picture identification of the Covered Employee appearing for testing and use of an approved Evidential Breath Testing Device (EBT) that displays and prints unique sequential numbers and is capable of producing 3 copies of the test result. Tests for breath alcohol concentration will be administered by a certified, trained, Breath Alcohol Technician (BAT). The BAT will complete a Federal Breath Alcohol Testing form and insure that it is signed by the Covered Employee tested.~~

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 9 (continued)**

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmation test will be given within a minimum of 15 minutes to a maximum of 30 minutes after the initial test. The Covered Employee being tested is to remain at the testing site and is forbidden to put anything in his/her mouth including, but not limited to, water, candy, or smoke while waiting for the confirmation test to begin. A Covered Employee who has a confirmed alcohol concentration of 0.02 or greater will be terminated.

#### **6.3 Conditions for Testing**

##### **A. Pre-employment/ pre-duty testing**

As a condition of employment, all applicants for Covered Employee positions shall participate in the CATS drug and alcohol testing program and undergo urine drug testing, immediately upon the direction of the personnel department or person authorized to hire. Receipt by CATS of a negative drug test result is required prior to employment. If the test is cancelled, the applicant must retake and pass a drug test before hire. An offer of employment will be made only after the test is negative and no applicant will have any right to employment before such a negative test has been received by CATS. Any City employee transferring into a Covered Employee position must pass a drug test prior to approval of the transfer.

If otherwise qualified, an applicant with permanent or long term disabilities that directly renders them unable to provide an adequate urine specimen, will be eligible for hire despite their inability to provide urine during a pre-employment test, so long as the MRO determines such long term inability to provide urine exists by medical examination of the applicant and consultation with the applicant's physician.

Any Covered Employee who returns to duty that has been off work for more than 90 days (e.g. illness, workman's compensation, etc) and has not remained in the random pool, must pass a pre-duty drug test before resuming their duties. Any Covered Employee that fails such test will be terminated.

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 10 (continued)**

#### **B. Reasonable Suspicion Testing**

All Covered Employees may be subject to a fitness for duty evaluation consisting of both a drug and alcohol test when there has been specific, observed, articulable evidence by a supervisor trained in accordance with this policy. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the short term symptoms of substance abuse and alcohol misuse. A referral for testing is not an accusation, but rather a means to obtain objective data to determine whether or not the Covered Employee is under the influence of a prohibited substance. Examples of signs for reasonable suspicion referrals include but are not limited to the following:

1. Physical signs and symptoms consistent with prohibited substance use.
2. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol on transit property or while on duty.
3. As defined by FA regulations, occurrence of a serious or potentially serious non-vehicle accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Physical fights involving physical contact as well as other assaults or flagrant disregard of other appropriate operating procedures.

Reasonable suspicion referrals must be made only by a supervisor who is trained in accordance with this policy and who reasonably concludes that a Covered Employee may be unfit to perform his duties. This includes referrals for subordinate employees as well as other supervisors/ managers covered by this policy. The supervisor making the decision may not act as the BAT or STT for that test. Once the decision to conduct a reasonable suspicion test is made, the Covered Employee will be removed from all Safety Sensitive Duties until the test results are received. The Covered Employee will be escorted to the collection site by the supervisor or another transit employee designated by the supervisor.

#### **C. Post-Accident Testing**

Any driver and Covered Employee in or on the vehicle at the time of an accident will be required to undergo drug and alcohol testing if they are involved in a vehicle accident with a CATS vehicle, regardless of whether or not the vehicle is

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 11 (continued)**

~~in revenue service at the time of the accident. Because CATS maintains its own vehicles, all CATS mechanics and any other City mechanic that works on a CATS vehicle may also be subject to testing after an accident, if the mechanic worked on the vehicle involved or it is determined that a CATS mechanic or other City mechanic could have contributed to the accident through a failure to perform a procedure or perform a procedure correctly. Any City employee that was performing Safety Sensitive Duties that may be reasonably considered to have a direct or indirect effect on an accident may also be subject to testing.~~

~~Testing must be ordered without supervisor discretion for all involved City personnel as described in the above paragraph under the following conditions:~~

- ~~1) Accident results in a fatality.~~
- ~~2) For a non-fatal accident in which an individual suffers a bodily injury and immediately receives medical attention away from the accident site.~~
- ~~3) If any of the involved vehicles is disabled and towed away.~~

~~If a Covered Employee can be immediately discounted, based on the best information available at the time of the decision, from being a contributing factor in a non-fatal accident, the Covered Employee does not have to be tested, but the supervisor must document in writing the reasons why the Covered Employee was discounted.~~

~~The City reserves the right to test Covered Employees after any accident.~~

~~Following an accident, a supervisor will require any ordered testing to be conducted within two hours of the accident. If post-accident alcohol testing is not completed within 2 hours of the accident, the reasons for not testing must be documented by the supervisor in writing while attempts to test will continue for up to 8 hours. If post-accident drug testing is not completed within 32 hours of the accident, the reasons for not testing must be documented by the supervisor in writing. Results of a blood, urine, or breath test conducted by Federal, State, or local officials shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by the City of Cottonwood.~~

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 12 (continued)**

**D. Random Testing**

All Covered Employees will be subjected to random, unannounced drug and alcohol testing. The selection of Covered Employees for random testing will be done quarterly beginning in January of each calendar year and spread reasonably throughout the calendar year by a computer generated, scientifically valid method that only identifies an individual by a number. The random selection method ensures that each Covered Employee will have the same mathematical chance of being selected each time selections are made. Fifty percent (50%) of the covered random pool will be tested annually for drugs and 10% of the covered pool will be tested annually for alcohol misuse. A Covered Employee could be selected for only a drug test, an alcohol test, or for both at any selection time. The random tests will be unannounced and spread throughout the year, and may be conducted on all days and hours during which transit service is in operation.

Random selection for CATS is being performed by Southwest Laboratories. A Covered Employee may be notified prior to performing duties, during the performance of his duties, or immediately after the completion of those duties, to report for random testing. The Covered Employee must report to a collection site as directed by CATS immediately upon notification unless a later reporting time is given to the Covered Employee by CATS. Failure to report to the testing site within the designated time allotted will constitute a refusal to test and therefore will result in the test results being considered positive. In the event a Covered Employee who is selected for a random alcohol or controlled substance test is on vacation or an extended medical absence, CATS will ask the laboratory to draw another number for testing.

**7.0 Treatment Requirements**

Any Covered Employee who (a) Self-Identifies under Section 8.0 or (b) reports a conviction under Section 9.0 and is not terminated, shall be referred to a Substance Abuse Professional (SAP) for assessment and treatment. The SAP is identified as:

Verde Valley Guidance Clinic, Inc  
600 South Willard Street  
Cottonwood, AZ 86326  
Phone: (928) 634-2236

The SAP will follow the procedures as set forth in 49 CFR Part 40. The SAP is licensed and certified by the Arizona Department of Health Services and has knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol related disorders.

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 13 (continued)**

~~CATS does not have an internal Employee Assistance Program. The cost of any treatment or rehabilitation services will be paid for directly by the referred employee or the referred employee's insurance provider.~~

~~Any referred employee who refuses or fails to comply with CATS' and the SAP's requirements for treatment, after-care, or return-to-duty testing shall be terminated.~~

#### **8.0 Self-Identification**

~~Covered Employees may voluntarily self-identify that they may be impaired by drugs or alcohol, or that they have a drug or alcohol abuse problem. This opportunity is available only once. Such self-identification shall be completely voluntary.~~

~~Self-identification is not allowed after a Covered Employee has been notified to report for any testing as required by this policy.~~

~~Discipline will not be initiated solely because the Covered Employee has self-identified; however, self-identification shall not prohibit CATS from instituting discipline of a Covered Employee up to and including termination based upon other factors besides the self-identification.~~

~~A self-identified employee shall be referred to the SAP and may be required to undergo treatment or rehabilitation at his own expense. The SAP may recommend that the employee complete a return-to-duty test before returning to work. The results of the test must be negative. A self-identifying employee who fails a return-to-duty test shall be terminated.~~

~~A self-identifying employee's continued employment while under review or treatment by the SAP shall be contingent upon complying with this policy, keeping scheduled appointments with the SAP, testing negative in return-to-duty or alcohol tests, following the treatment plan established by the SAP, and testing negative in follow-up drug and alcohol tests.~~

#### **9.0 Criminal Drug Convictions**

~~Any Covered Employee who is convicted for a violation of any criminal drug statute shall notify CATS of the conviction within five (5) calendar days of the conviction and the conviction shall be reported by CATS to any Federal granting agency requiring reporting within ten (10) calendar days of receiving notice of conviction.~~

## **APPENDIX C:**

### **TRANSIT SUBSTANCE ABUSE POLICY, page 14 (continued)**

Within thirty (30) calendar days of receiving notice from the Covered Employee of such a conviction, CATS shall:

- 1) Take appropriate personnel action against the employee, up to and including termination.
- 2) If the employee is not terminated, refer the employee to the SAP in addition to any other discipline.

A Covered Employee referred to the SAP may be required to undergo treatment or rehabilitation at the employee's expense. The SAP may recommend that the employee complete a return-to-duty test before returning to work. The results of the test must be negative. A referred employee who fails a return-to-duty test shall be terminated.

Continued employment of referred employees shall be contingent upon complying with this policy, keeping scheduled appointments with the SAP, testing negative in return-to-duty drug or alcohol tests, following the treatment plan established by the SAP, and testing negative in follow-up drug and alcohol tests.

### **10.0 Record Keeping and Confidentiality**

#### **10.1 Employer Duties**

CATS must maintain records on program administration and test results of individuals for whom they have testing responsibility as follows:

- 1) Negative drug test results and alcohol test results less than 0.02 for 1 year.
- 2) Documentation on employee training and collection site personnel training for 2 years.
- 3) Verified positive drug tests, refusals, referrals, alcohol test results greater than 0.02 or greater, EBT calibration documentation and MIS Reports for 5 years.

Drug testing records must be kept in a secure location with controlled access.

Drug and alcohol test results may be released only under the following circumstances:

- 1) CATS shall release information or copies of records regarding an employee's test results to a third party only as directed by specific, written instruction of the tested employee.

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 15 (continued)**

2) ~~CATS may disclose information related to a test result to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested.~~

**10.2 Employee Rights**

~~A Covered Employee is entitled, upon written request, to obtain copies of his drug and alcohol testing records, provide information to dispute the results, and have access to any pertinent records such as equipment calibration records and laboratory certifications.~~

~~There is no discretion on the part of management or operations in the selection and notification of individuals for testing. If a Covered Employee has any questions regarding this policy or the affects of alcohol misuse and drug abuse and/or wishes to get further information, they should contact:~~

Shirley Scott  
Cottonwood Area Transit System  
1490 W. Mingus  
Cottonwood, AZ 86326  
Phone: (928) 634-2287

~~This policy was adopted by the City Council of the City of Cottonwood on December 18, 1995. The Council has the transportation manager to manage their drug and alcohol program. All test results and records will be maintained in the strictest confidence by the program manager in accordance with 19 CFR Parts 40 and 653 and 654.~~

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

- ~~Adopted by the City Council on July 3, 2007~~
- ~~Revised and adopted by the City Council on \_\_\_\_\_, 2007~~

**APPENDIX C:**

**TRANSIT SUBSTANCE ABUSE POLICY, page 16 (continued)**

**EMPLOYEE RECEIPT OF THE COTTONWOOD AREA TRANSIT SYSTEM  
DRUG AND ALCOHOL POLICY**

**Return this completed form to your immediate supervisor**

Employee Name: \_\_\_\_\_

I have received and will read the Cottonwood Area Transit System Drug and Alcohol Abuse Testing Policy. I understand that I will be held responsible for the content of the policy and I agree to abide by drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the Cottonwood Area Transit System's transportation manager.

I understand that violation of this policy may be grounds for immediate termination of my employment.

This policy adheres to the Federal Transit Administration's mandated regulations for drug and alcohol testing.

Employee Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

## **APPENDIX D:**

### **FIRE DEPARTMENT VOLUNTEER RECRUITMENT AND SELECTION POLICY**

*Taken from the Fire Department Policy 101.00, M.P. 101.20.02*

The following guidelines shall apply to the recruitment and selection of volunteer personnel.

#### **CERTIFIED FIREFIGHTERS**

Due to an ongoing need for Certified Firefighters, the CFD will accept applications year-round from individuals already holding State of Arizona FFII certification or equivalent.

When received, applications will be reviewed by the CFD Volunteer Coordinator and/or Fire Chief, who can reject any application that indicates on its face value that the applicant does not possess the minimum qualifications, skills and characteristics consistent with the job description.

Qualified applicants must pass the following assessment activities:

- Physical Agility Test
- Oral Board Interview

Upon successful completion of the above assessment activities, appointment as a volunteer firefighter is contingent upon approval of the Fire Chief and the City Manager and successful completion of the following:

- Background Check
- Firefighter Medical Physical
- Drug Screening

#### **NON-CERTIFIED FIREFIGHTERS**

The CFD will annually advertise and recruit Non-Certified Recruit Firefighter (Recruit) candidates. Applications will only be accepted during this annual recruitment period. Successful candidates will participate in a Recruit Firefighter Certification Academy (RFCA).

When received, applications will be reviewed by the CFD Volunteer Coordinator and/or Fire Chief, who can reject any application that indicates on its face value that the applicant does not possess the minimum qualifications, skills and characteristics consistent with the job description.

Qualified applicants must pass the following assessment activities:

- Physical Agility Test
- Oral Board Interview

**APPENDIX D:****FIRE DEPARTMENT VOLUNTEER RECRUITMENT AND SELECTION POLICY**  
**(page 2, cont'd)**

Successful applicants will be placed on an eligibility list. Recruits shall be selected from this list for sponsorship into the RFCA based on the CFD need, funding availability and slots available. Recruits will be appointed contingent upon approval of the Fire Chief and the City Manager *and* successful completion of the following:

- Background Check
- Firefighter Medical Physical
- Drug Screening

Upon completion of the selection process for either of these type volunteers, the entire original selection package including any selection criteria used, copies, and all the applications, shall be forwarded to the Human Resources office for filing and identity confidentiality. The law requires this material be retained in the Human Resources files for three years from selection.

## **APPENDIX E**

### **CITY COURT EMPLOYEES PERSONNEL POLICY**

City court employees are under the direct authority and supervision of the municipal judge. The judge has final authority over hiring, discipline, and dismissal of city court employees. The direct authority of the municipal judge will be exercised in accordance with the personnel rules governing all city employees to the extent that the general personnel rules do not conflict with the general authority of the judiciary, applicable ethical rules, or rules of conduct and procedure promulgated by the Arizona Supreme Court.

Limited jurisdiction judges in the region will serve on a review committee, which will consist of three members, for the personnel decisions of their judicial colleagues. The findings of this committee will be the final decision.

The grievance policy in Section 13 of this manual does not apply to City court employees. After the review committee's final decision, if a court employee wants to appeal a personnel decision, they may file a lawsuit. The City attorney or prosecutor can have no role in any proceeding involving court employees that would make him appear to be the "Judge's attorney".

**APPENDIX F**

**DEPARTMENT ANNEX**

## APPENDIX G

### FORMS FOR HIPPA INFORMATION

#### City of Cottonwood

#### Authorization Form for Release of Medical Information

Dated: \_\_\_\_\_

---

I, \_\_\_\_\_, hereby authorize  
the use or

**disclosure of my health information as described in this authorization.**

1. Specific person/organization (*or class of persons*) authorized to **provide** the information:  
\_\_\_\_\_
2. Specific person/organization (*or class of persons*) authorized to **receive** and use the information: (*insert name, title, address, fax, phone and email if possible*)  
\_\_\_\_\_
3. Specific **description of the information to be used or disclosed.** (*Include dates as appropriate*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **Purpose of the request:** (Check one)

At the request of the individual.

Other: \_\_\_\_\_

[e.g., to discuss my benefits with \_\_\_\_\_ and its Claims Administrator so I can understand my benefits.]

5. **Right to Revoke:** I understand that this authorization is voluntary and that I have the right to revoke this authorization at any time by notifying the Privacy Officer in writing and deliver the revocation to 827 N. Main Street Cottonwood, AZ 86326. I understand that such a revocation is only effective after it is received and logged by the Privacy Officer. I understand that any use or disclosure made prior to the revocation of this authorization will not be affected by a revocation.
6. I understand that after this information is disclosed, federal law might not protect it and the recipient might disclose it again.

## APPENDIX G

### FORMS FOR HIPPA INFORMATION (page 2)

7. I understand that I am entitled to receive a copy of this authorization and the information described on this form, if I ask for it.

8. I understand that this authorization will expire:

One year from the date of this authorization.

On the following event: \_\_\_\_\_

On the following date: \_\_\_\_\_, 20 \_\_\_\_.

9. The City will not require you to sign this form in order to obtain treatment or payment.

---

---

---

Signature of Individual

Date

---

Signature of Personal Representative

Date

If a Personal Representative executes this form, that Representative warrants that he has authority to sign the authorization form on the basis of:

A signed Personal Representative Form;

Other \_\_\_\_\_

---

*This authorization reflects the requirements of 45 CFR § 164.508 (August 14, 2002)*

## APPENDIX G

### FORMS FOR HIPPA INFORMATION (page 3)

#### City of Cottonwood

#### Revoke/Terminate a Prior Authorization

Dated: \_\_\_\_\_

---

I, \_\_\_\_\_, hereby **revoke/terminate** an authorization that I made on regarding the use or disclosure of my health information.

1. Specific person/organization (*or class of persons*) who was authorized to **provide** the information:

---

2. Specific person/organization (*or class of persons*) who was authorized to **receive** and use the information:

---

3. Specific **description of the information that was allowed to be used or disclosed**. (*Include dates as appropriate*):

---

---

4. I understand that the revocation/termination is only effective **after** it is received and logged by the Privacy Officer. I understand that any use or disclosure made prior to the date of this revocation/termination will not be affected by this revocation/termination request.

---

---

Signature of Individual (or)

---

Date

---

Signature of Personal Representative

---

Date

If a Personal Representative executes this form, that Representative warrants that he has authority to sign the authorization form on the basis of:

A signed Personal Representative Form

Other \_\_\_\_\_

---

Acknowledgement by Privacy Officer:

\_\_\_\_\_  
Date: \_\_\_\_\_