

SECTION 1 – Employment Rights and Responsibilities

Section 1:

EMPLOYMENT RIGHTS AND RESPONSIBILITIES

I. General Employee Rights and Responsibilities:

A. Generally:

1. This employee manual does not form a contract of employment between the City of Cottonwood and any individual employee.
2. This employee manual supersedes any previous versions of the employee manual. Updates to this manual may be made through approval of the City Council.
3. The City follows all state and federal laws and guidelines. In the case of inconsistencies or changes to the law, the law supersedes any policies outlined in this manual and the City will follow the law until such time the employee manual is revised to again comply with the updated law.
4. This employee manual does not deny any employee their civil or political liberties as guaranteed by the United States and Arizona Constitutions.

II. Administrative Regulations:

- A. Administrative Regulations outside the purview of this Employee Manual may be added at the discretion of the City Manager to give further guidance, direction, or clarification to employees regarding the overarching intent of approved policies within the Employee Manual.

III. Equal Employment Opportunity:

- A. The City complies with applicable federal, state, and local laws governing non-discrimination in employment and provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, genetic testing, gender identity or expression, status as a veteran, or any other class protected under the law. This applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leaves of absence, compensation, training, and other employment related decisions.

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IV. Americans with Disabilities Act (ADA):

- A. The City is committed to providing reasonable accommodations to allow disabled employees to perform their essential job functions. Any employee with a disability who requires an accommodation in order to perform the job's essential functions should contact Human Resources staff. The City will engage in an interactive process to determine whether a reasonable accommodation would allow the employee to perform essential job functions. Reasonable accommodations are evaluated on a case-by-case basis, but could include modifications to the work environment, unpaid leave, or a variety of other accommodations.

V. Anti-Harassment and Anti-Discrimination:

- A. The City strictly prohibits any form of discrimination or harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, genetic testing, gender identity or expression, status as a veteran, or status in any group protected by federal, state or local law. Discrimination and harassment in any form, including harassment causing interference with an employee's ability to perform her or his job duties, is a violation of the law and not tolerated.
- B. All members of management and all employees are responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise.
- C. Sexual harassment includes, but is not limited to, sexual advances, requests for sexual favors, verbal or physical conduct of a sexual or other offensive nature, offensive comments, jokes, innuendoes, sexually oriented statements, unwarranted or unwanted touching, grabbing, groping, kissing, massaging, or other similar conduct.

VI. Anti-Retaliation:

- A. Retaliation in any form is against the law and is not tolerated by the City or its administration.
- B. Retaliation against any employee for engaging in protected activity under any applicable federal, state, or local law, including but not limited to, filing a charge of discrimination with a federal or state agency and participating an investigation or proceeding will not be tolerated.
- C. Retaliation against any employee who has reported any violation of any law or any rule, regulation, or policy set or utilized by the City will not be

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tolerated.

- D. Employees who are experiencing retaliation or have witnessed retaliation occurring have a duty to report the retaliatory behavior to the Human Resources Department, City Manager, or City Attorney either directly or anonymously through the City's Integrity Line (1-800-419-3967).
- E. Reports of retaliation will be taken under investigation and documented.
- F. Any employee found to be engaging in retaliatory behavior is subject to appropriate corrective action.

VII. Reporting Harassment, Discrimination, and Retaliation:

- A. All actions perceived as harassment, discrimination, or retaliation should be reported to the employee's supervisor, department head, or to Human Resources either directly or anonymously through the City's Integrity Line. All reports will be taken seriously, investigated properly, and appropriate corrective action on confirmed violations will be taken.
- B. All employees are required to report any instances of harassment or discrimination of which they become aware to Human Resources. Failure to do so will result in corrective action.
- C. All reports may be made through submitting written documentation or a verbal recitation outlining the details of the action that has taken place with the employee's supervisor, department head, or to Human Resources either directly or anonymously through the City's Integrity Line (1-800-419-3967). Verbal reports made by an employee must be documented in writing by supervisor, department head, or Human Resources representative receiving the verbal complaint and submitted to the Human Resources Director, City Manager, or City Attorney.
- D. Retaliation towards employees reporting harassment, discrimination or retaliation is expressly prohibited.

VIII. Ethics:

- A. Generally:
 - 1. Employees hold their positions with the purpose of serving and benefiting the public and shall not use their official position for personal benefit, gain, or for the advantage of any relative or personal friend.
 - 2. Employees shall not disclose, use, or share confidential information.

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3. Employees of the City shall represent the City to the best of their abilities at all times and are expected to use good judgement, adhere to high ethical standards, and act with integrity both on and off duty.

B. Use of Public Property:

1. Employees will not use City property for personal reasons or for any non-City purpose without prior authorization from the Department Head or City Manager.
2. Authorization to use City property for personal reasons may be granted by the Department Head or City Manager if there is no expense to the City, there is no impact on service or performance of duties, and it does not bring discredit or embarrassment to the City or create the appearance of impropriety.

C. Conflict of Interest:

1. Employees shall not engage in activities that involve any interest, influence, or relationship that conflicts with the best interests of the City.
2. Employees are subject to the conflict of interest provisions set forth in A.R.S. § 38-501 et. seq., including criminal penalties for violations of § 38-503 through 38-505. This includes employees' inability to receive any direct or indirect compensation or benefit other than as provided by law.
3. An employee who has, or whose relative has, a statutorily defined direct or indirect "substantial interest" in any contract, sale, purchase, service, or proprietary interest in a matter under consideration by the City shall not participate in any manner as a City employee in the process or transaction.
4. An employee who has, or whose relative has, a statutorily defined direct or indirect "substantial interest" in a decision of a public agency shall file a disclosure of such interest in the official records with the City Clerk and refrain from participating in the decision.

D. Gifts, Gratuities, or Favors:

1. Employees shall not personally accept or solicit, directly or indirectly, anything of economic value such as cash, gifts, gratuity or favor, entertainment, loan, or anything with monetary value from a person who conducts or has interest in conducting business with the City, whether or not the intention is to receive more favorable treatment than

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another.

2. Food and refreshments less than twenty-five dollars in value may be accepted on infrequent occasions during the course of ordinary business such as at a meeting, conference, or other occasion where the employee is properly in attendance.
3. Promotional materials such as pens, pencils, calendars, cups, caps, t-shirts, or other items of a similar nature and nominal value may be accepted on an infrequent basis.
4. Items exceeding twenty-five dollars in value received on behalf of the City become City property and must be reported to the Department Head and City Manager.
5. Group discounts available to all employees, governmental agencies, or other governmental sector groups such as public safety, will not be considered a gift, gratuity, or favor.
6. Employees participating in charitable work may not use City offices, personnel, or official position, on or off duty, to collect, advertise, or display items, merchandise, or activities. Non-profit organizations must receive the permission of the Department Head or City Manager to display advertisements on City property.
7. Soliciting by City employees is prohibited on City property at all times unless pre-approved by the Department Head and/or City Manager for reasons deemed appropriately related to a cause supported by the City, is on behalf of the City, or is otherwise deemed appropriate and permissible by the City Manager.

E. Surreptitious Recording of Employees:

1. Employees may not surreptitiously record the conversation of another City employee.
2. The City Manager may grant permission to waive this prohibition under rare, but necessary, circumstances.
3. The inability to surreptitiously record conversations of employees does not apply to the Police Department when conducting official criminal investigations.

F. Reporting of Suspected Unethical, Illegal, or Otherwise Inappropriate Behavior:

1. Employees who have knowledge of or concern about suspected or

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confirmed illegal, unethical, or otherwise inappropriate conduct that is taking place or has taken place should report it to the Human Resources Department. If the employee does not feel comfortable or is unable to report it to the Human Resources Department, the employee may report the behavior to the City Manager and/or City Attorney directly.

2. All reports of suspected or confirmed illegal, unethical, or otherwise inappropriate behavior shall be made in good faith to the appropriate authority free from retaliation and will be kept confidential insofar as possible. Identity may need to be disclosed throughout an investigative process, however, and confidentiality cannot be guaranteed.
3. Any employee reporting illegal, unethical, or otherwise inappropriate conduct that feels he or she is experiencing retaliation in any form is expected to report the retaliation to the Human Resources Department for further investigation.
4. Investigations involving suspected or confirmed illegal, unethical, or otherwise inappropriate conduct will be reported to the City Manager and/or City Attorney as appropriate and such individual will be provided with a copy of the investigative findings upon conclusion of the investigation.

IX. Workplace Violence:

- A. The City is committed to providing a safe environment for its employees, citizens, and business community. Workplace violence, intimidation, threats, or harassment on City property, in City facilities, or while conducting City business will not be tolerated or ignored. Any unlawful violent actions or threats committed by employees or members of the public while on City property or while using City facilities will be disciplined or prosecuted as appropriate. The City will use any and all legal, administrative, and disciplinary procedures to secure the workplace from violence and to protect employees and members of the public.
- B. Workplace violence may include, but is not limited to, assault, criminal damage, intimidation, harassment, threats, or any other act that endangers, is perceived to endanger, or is performed with the intent of endangering the safety of an individual or property.

X. Political Activities:

- A. Prohibited Activities: Employees may not:

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1. Seek or accept nominations, election, or appointment to a City elected office without first resigning from City employment. This does not include City Boards or Commissions for which employees are eligible to apply per the Municipal Code.
 2. Take any part in the management or affairs of campaign, committee, or recall effort involving a City of Cottonwood elected office.
 3. Solicit or receive monetary contributions from a City employee for any type of election, recall or referendum during working hours, while on paid on-call status, in uniform, or at any City work facility.
 4. Use City resources, title position, logos, or employment with the City in any manner to endorse, advocate for or against, or solicit contributions for any election, recall, or referendum.
 5. Carry petitions or seek signatures for any City election, initiative, recall, or referendum petition during working hours, while on paid on-call status, in uniform, or at any City work facility.
 6. Use City resources to influence the outcome of an election. (A.R.S. §9-500.14)
- B. Non-Prohibited Activities: Employees outside of their City working hours, while not on duty, and not in a City facility or uniform may:
1. Become or continue to be a member of a political club or organization.
 2. Attend a political meeting.
 3. Seek election or appointment to a public office, other than a City Council seat.
 4. Take an active role in elective campaigns, other than City of Cottonwood elections.
 5. Sign petitions, vote for candidates of their choice, and express political opinions.
 6. Circulate candidate nomination, recall, initiative, or referendum petitions.
 7. Donate money for a candidate, referendum, initiative, or recall.
 8. Engage in activities to advocate the election or defeat of any candidate.

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XI. Outside Employment:

- A. Employees are expected to devote their best efforts in conducting City business. If outside employment is sought, it is the expectation that the outside employment does not interfere with the employee's duties or her or his ability to perform her or his job duties for the City.
- B. The City reserves the right to deny or restrict outside employment if the outside employment conflicts or competes with the City's or employee's employment duties, responsibilities, working hours, assignments, or if it results in a conflict of interest, an adverse reflection on the City, or demonstrates a potential for liability to the City.
- C. A full-time employee seeking outside employment must submit a written request through her or his Department Head to be routed through the Human Resources Director to the City Manager for approval prior to beginning outside employment.
- D. If outside employment is approved and obtained, the outside employment duties may not be conducted while the employee is on duty with the City and information obtained during the course of employment with the City is not permissible for use in outside employment activities. Additionally, outside employment activities may not be conducted using City facilities, property, equipment, data, or supplies, including cell phones or computers owned by the City.
- E. Public Safety employees must comply with any additional departmental policy regarding outside employment.