**INTRODUCTION TO THE PERSONNEL POLICY GUIDELINES MANUAL**

The Personnel Policy Guidelines Manual is a guide to the Town of Patagonia’s basic personnel practices and procedures. This manual contains general statements of the Town’s personnel policies and may not include the fine details of each policy.

This manual is not a part of any employment agreement with the Town and any statements shall not be construed as creating an express or implied contract. Rather, this is an information resource designed to provide guidelines as to the obligations and duties of Town employees.

For purposes of administering the policies set forth in this manual, other operating procedures may be developed and adopted to outline the procedures required for implementation and/or administration of such policies.

**GUIDELINES**

1. These policies are issued by the authority of the Town Council, who, in some instances, has delegated the authority to administer these policies to the Town Manager. In the absence of a Town Manager, the Town Council may retain the authority to administer these policies or may delegate such authority to the Mayor or another person designated by the Town Council.

2. The Town Council shall have the authority to adopt, amend or repeal these Personnel Policies. The Mayor or the Town Manager may submit recommendations for such action to the Town Council.

3. Additionally, the Town Manager has the authority to adopt and administer operating procedures that are supplementary to, but not inconsistent with, the policies set forth in this manual.

4. Each supervisor shall have a copy of the Personnel Policy Guidelines Manual available for use by any employee.

5. Questions concerning policy interpretation and application shall first be directed to the immediate supervisor. Further assistance in clarification of policy or resolution of a policy concern shall be referred to the Town Manager.

6. For purposes of this Personnel Policy Guidelines Manual, the use of gender specific pronouns has been avoided whenever possible. However, where such avoidance would have led to awkward or cumbersome language, the masculine pronoun may be used. This use shall be considered to refer to both genders.

7. For purposes of simplification, the Town of Patagonia may be referred to within this manual as “the Town”.

8. It is the duty of all employees of the Town to familiarize themselves with the contents of this manual and to comply with the policies set forth within it.

**RECRUITMENT AND SELECTION**

**I. PURPOSE**

To maximize Town efforts and resources in the recruitment and selection process in order to identify the best applicants available.

**II. SCOPE**

This policy applies to the recruitment and selection of all positions within the Town, except for the position of the Mayor and Council, which are an elected position, and the Town Manager who is hired by the Council.

**III. POLICY**

When a position vacancy occurs, the Town Manager shall coordinate, with Department Heads, a recruitment, examination, assessment, and selection program designed to identify the most capable individual for the position, without regard to race, sex, color, age, national origin, religious affiliations, disability, marital status, ancestry, sexual orientation or gender identity.

**IV. GUIDELINES AND PROCEDURES**

**POSITION AND EXAMINATION ANNOUNCEMENTS**

A. The Town Manager and Department Heads shall review the position opening, the job description, position requirements, and any other pertinent information related to the position vacancy. The Town Manager, with Department Heads, shall establish the minimum requirements for the position, on the premise that circumstances may at times drive some variation in the specific requirements for that position vacancy.

B. Upon notification of a position vacancy above entry level, first consideration shall be given to any possibilities of internal promotion or internal transfer requests.

C. Based upon the hiring needs, the Town Manager shall prepare an official position and examination notice and activate appropriate recruiting processes.

D. Public notice of all position announcements and entry-level examinations for initial employment with the Town shall be published on the Town website, and posted on all Town posting areas for a minimum of five days. Additionally, at the discretion of the Town Manager, a classified advertisement may be placed in at least one newspaper of general circulation.

E. Announcements shall include the following information:

1. Title of the position

2. Essential duties and responsibilities

3. Salary provisions

4. Minimum qualifications

5. Application procedure, including the final date for filing application

6. Description of examination process

# APPLICATION PROCESS

F. All applicants shall be required to complete and submit an application form in order to be considered for employment. The Town Manager and Department Heads shall screen incoming applications to identify candidate qualifications.

G. All applicants shall be notified by mail or email of their approval or rejection for participation in the examination process. Such notification shall occur at least one week prior to the date of the commencement of the examination process. Those applicants approved for the examination shall receive notification of the date, time, place, and conditions of the testing/interview. The applicant shall be required to respond back with an acknowledgement of receipt.

H. The Town Manager shall have the authority to reject an applicant for the following causes:

1. Lack of minimum qualifications or requirements as set forth in the position announcement;

2. Falsification of information or material omission of information in the application process;

3. Failure to successfully pass a background review, including motor vehicle records and criminal conviction history;

4. Prior employment with the Town that resulted in a status of ineligibility for rehire.

**EXAMINATION PROCESS**

I. The Town Manager shall be responsible for the administration of any examination processes.

J. Any pre-employment examinations shall be job-related to assess the candidate’s ability and suitability to meet the job requirements.

K. The examination process for an entry-level position shall be an open competitive process.

L. In the event of a position above entry level, a competitive internal examination may be administered, unless the Town Manager determines that there are not sufficient numbers of qualified internal candidates to meet the needs of the Town. In such instance, the position shall be subject to an open competitive process.

M. Internal examinations shall only be open to those employees who have successfully completed their initial probationary period.

N. Examinations for any positions being held on an open competitive basis may include any of the following components: application screening, written examination, physical abilities test, oral interview or skills assessment.

O. Internal examination processes may include any of the following components: review of minimum qualifications, written examination, practical skills evaluation, or oral interview.

**EXAMINATON SCORING**

P. The minimum passing score for all examinations, based on the job description, shall be determined by the Town Manager. Failure of any portion of the examination process may be grounds for failure of the entire examination process.

Q. In the event of a combination examination process, the Town Manager may determine the relative value or weight of each portion of the examination. Any portion of the examination may be designated as “qualifying only”, indicating that such portion shall be on a pass/fail basis to determine the candidate’s eligibility to continue in the examination process.

**ESTABLISHMENT OF EMPLOYMENT ELIGIBILITY LISTS**

R. Those applicants who successfully pass the examination process shall be placed on an eligibility list based upon the order of their final examination grade. If two or more candidates have the same final grade, they shall be ranked in order of their scores in that portion of the examination that was more heavily weighted. Preparation of the eligibility list shall be carried out according to the policy entitled “Employment Eligibility Lists”.

S. In the event that the examination process does not yield an eligibility list or a successful candidate, the Town Manager shall either repeat the process or in the case of an internal examination, open the process to outside applicants.

**ADDITIONAL SELECTION PROCESSES**

T. The Town Manager and Department Heads may coordinate background investigations and reference checks on all potential applicants prior to any offers of employment being extended. This may be done to verify past employment history and to secure personal and professional references. This step shall only be taken if the applicant has submitted a signed application form and a release form allowing the Town to conduct a background investigation.

U. Although prior criminal convictions shall not automatically disqualify an applicant for employment, a background investigation shall be thoroughly reviewed and the Town Manager shall make an appropriate determination on an individual case basis.

V. The Town Manager and Department Heads may use the Rule of Three in selecting the final candidate for the position from the eligibility list. Thus, the Town Manager and Department Heads may use their discretion in identifying the best candidate from any of the top five candidates on the Eligibility List. In the event that a candidate is passed over, the Town Manager shall provide notice to the candidate outlining the reasons for the selection.

W. New hire job offers shall be extended contingent upon successful completion of a medical/physical examination (meets job description requirements) and a drug screening. If the examination determines that the individual does not successfully pass these examinations, the offer shall be withdrawn.

X. On or before the new employee’s first day of employment, all necessary new hire paperwork shall be completed. At such time, the employee shall be required to comply with the provisions of the policy entitled “Immigration Reform and Control Act (IRCA) of 1986”.

Y. New employees shall be oriented to their position, the department, and the Town as a whole. The orientation shall be the joint responsibility of the supervisor and the Town Manager.

**NOTICES AND REVIEW OF EMPLOYMENT EXAMINATION RECORDS**

**I. PURPOSE**

To allow applicants the opportunity to review their own examination results and have a means to request a Town review of the examination process.

**II. SCOPE**

This policy applies to all applicants participating in a Town examination.

**III. POLICY**

It is the policy of the Town to allow applicants the opportunity to review their test results and submit a request for review in the event that they believe an item to be invalid.

**IV. GUIDELINES**

A. Candidates and/or their designated representative may review their examination papers within fifteen days of the date on which the examination results were posted or mailed. The Town Manager shall be present to oversee such review.

B. If a candidate wishes to protest an item, the candidate shall submit a written protest to the Town Manager within three working days of the date on which the examination was reviewed. The Town Manager shall determine the validity of the protest, as well as whether or not the candidate’s score shall change. Additionally, the Town Manager shall determine if the change affects other candidates as well. In such event, the examination records of all other affected candidates shall be modified.

C. No items from the test may be copied upon inspection. Any attempt to do so shall result in cancellation of eligibility for that particular test, as well as possible elimination for future testing processes.

D. Upon final rating of the examinations, all candidates shall be notified, via mail or email of their test results as well as possible subsequent placement on the eligibility list.

E. All applications and examination results records shall be maintained for the life of the employment list. Upon expiration of the examination review/protest period, the examination materials (questionnaire booklets and answer sheets) may be destroyed.

**EMPLOYMENT ELIGIBILITY LISTS**

**I. PURPOSE**

To establish the source from which positions are to be filled.

**II. SCOPE**

This policy applies to all positions with the Town, with the exception of those employees hired by the Town Council.

**III. POLICY**

It is the policy of the Town to follow the guidelines of the Recruitment and Selection policy in the establishment of Employment Eligibility Lists and to use such lists for the purpose of filling vacant position openings.

**IV. GUIDELINES**

A. Within five working days after completion of the examination process, including the review period, the names of successful candidates shall be placed on a ranked eligibility list, based upon their final grades, with the highest grade placing first on the list following in descending order. Only the names shall be posted, the numerical scores shall be kept confidential.

B. An eligibility list for a given position shall remain in effect for a period of up to one year from the date of certification of the list. In the event of a layoff, an employee who has been placed on layoff status shall be placed at the top of the eligibility list for their designated position. A new test shall be administered on an as needed basis.

C. An individual’s name may be removed from an eligibility list in the following circumstances:

1. If the eligible applicant fails to respond within five working days after receipt of a letter or email advising of selection for employment.

2. At the eligible applicant’s written request.

3. If the eligible applicant has refused a job offer from the list on two separate occasions.

4. If the applicant is rejected according to Guideline IV – Application Process “H” of the Recruitment and Selection policy.

5. Failure to maintain good standing in their existing employment with the Town.

D. Those applicants on an eligibility list shall be responsible for notifying the Town’s Administration Office of any change in address or availability so as to be able to receive notification of appointment.

**SPECIAL APPOINTMENTS**

**I. PURPOSE**

To provide a method to fill a short-term employment need and to adequately compensate an employee who is acting in a different capacity than that for which the employee is normally compensated.

**II. SCOPE**

This policy applies to all employees.

**III. POLICY**

In order to meet a non-regular employment need, an employee may be appointed to a different position on either a temporary or an acting basis. In such event, the employee’s pay may be adjusted to the same rate of pay that the employee would receive if promoted to that position.

**IV. GUIDELINES**

A. In the event of a short-term employment need, temporary appointments may be made by the Town Manager upon recommendation of the Department Head. Approval of the Town Council would be needed if appointment falls within the purview of Section 3-1-1 of the Town Code.

B. Temporary or acting appointments shall be made from an existing eligibility list. If such a list is unavailable, the appointment shall be made from other qualified individuals from a different position, as determined by the Town Manager and Department Heads.

C. In the event an employee is off duty or serving in a temporary appointment, the Town Manager with Department Heads may authorize another employee to serve in an acting appointment role.

D. Unless otherwise designated, any employee serving in a temporary or acting appointment shall have all the authority and responsibilities for the assumed position.

E. The length of the appointment shall be specified at the time of the appointment and shall not be for more than six months, unless renewed by the Town Manager. The length of the appointment may be adjusted according to operating needs. The Town Manager shall advise the Town Council of such extension, if this appointment falls within the purview of section 3-1-1 of the Town Code.

F. Upon completion of the designated time of appointment, the individual may:

1. Be returned to the previous position and salary, or

2. Have the special appointment extended for another specified time period, or

3. Via the promotional process, be promoted to the position in which they have been performing.

**EMPLOYMENT OF RELATIVES**

**I. PURPOSE**

To prevent problems of supervision, safety, security, and morale that could potentially arise from employment of relatives.

**II. SCOPE**

This policy applies to all employees of the Town. The policy shall apply only to employees’ regularly assigned position. Additionally, this policy shall apply to any official holding office, whether elected or appointed.

**III. POLICY**

Applications for employment from relatives (as defined below) shall be considered with other qualified applications when personnel vacancies occur. However, some restrictions in job placement shall apply to help prevent problems of supervision, safety, security, and morale.

**IV. DEFINITION**

Relatives are defined as an employee’s spouse or anyone within the following relationships, either with the employee or the employee’s spouse: father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, or first cousin.

**V. GUIDELINES**

The following guidelines shall apply regarding the employment of relatives:

A. Relatives may not regularly work for the same immediate supervisor.

B. Relatives may not regularly work at the same location.

C. Relatives may not regularly direct supervise their employed relatives.

D. No official of the Town shall appoint or vote for the appointment of a relative, as defined above.

E. If, during the course of employment, two employees become related, resulting in a conflict to this policy, consideration shall be given to adjusting the work assignments. The Town Manager shall review each situation on an individual basis and determine the necessary adjustment to the work assignment of the individuals involved. Town Council approval will only be needed if the employee falls within the purview of section 3-1-1 of the Town Code.

**IMMIGRATION REFORM CONTROL ACT (IRCA) OF 1986**

**I. PURPOSE**

To comply with a Federal employment law in ensuring that the identity and employability of all persons employed by the Town have been reviewed and approved as regulated by the Immigration Reform Control Act of 1986 (IRCA).

**II. SCOPE**

This policy applies to all employees of the Town and begins on their first day of employment.

**III. POLICY**

Any new employee shall provide the Town with documentation that provides proof of identity and employability as required by IRCA law. Such documentation shall be provided on or before the first day of employment, or employment may not commence.

**IV. DOCUMENTATION**

All employees shall be required to show proof of both identity and employability. Documents that are acceptable for each category are listed as follows:

**Identity and Employability**

1. United States Passport or U.S. Passport Card

2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)

3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa.

4. Employment Authorization Document that contains a photograph (Form I-766)

5. For a nonimmigrant alien authorized to work for a specific employer because of his/her status:

a. Foreign passport; and

b. Form I-94 or Form I-94A that has the following:

(1) The same name as the passport; and

(2) An endorsement of the alien’s nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.

6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI.

**IDENTITY**

1. Driver’s license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.

2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.

3. School ID card with a photograph.

4. Voter’s registration card.

5. U.S. Military card or draft record.

6. Military dependent’s ID card.

7. U.S. Coast Guard Merchant Mariner Card.

8. Native American tribal document.

9. Driver’s license issued by a Canadian government authority.

**EMPLOYABILITY**

1. A Social SecurityAccount Number card, unless the card includes one of the following restrictions:

(1) Not valid for employment

(2) Valid for work only with INS authorization

(3) Valid for work only with DHS authorization

2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)

3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal.

4. Native American tribal document.

5. U.S. Citizen ID Card (Form I-197)

6. Identification Card for Use of Resident Citizen in the United States (Form I-179)

7. Employment authorization document issued by the Department of Homeland Security.

**V. GUIDELINES**

A. The employee shall complete the employee portion of the Employment Eligibility Verification Form (USCIS Form I-9) attesting to the employee’s identity and eligibility to work in the United States.

B. The Deputy Town Clerk shall complete the employer’s portion of the Employment Eligibility Verification Form (USCIS Form I-9), certifying that the employee has presented original documents attesting to the employee’s identity and verifying that the individual is authorized to work in the United States. The I-9 shall then be E-Verified

C. The Deputy Town Clerk shall not photocopy documents, but rather shall only examine the documents and shall accept such documents, provided that the authenticity of such documents appears intact.

D. If the individual is unable to provide appropriate documentation, the Deputy Town Clerk or Town Manager shall provide notification that the individual is no longer eligible for employment with the Town.

E. All USCIS Form I-9’s are to be maintained in a central file in the Administration Office, separate from employee personnel files. USCIS Form I-9’s shall be maintained in the file for a minimum of three years from the date of hire and for at least one year beyond the date of the employee’s termination, whichever is the longer period.

F. The Town shall comply with all requirements for inspection of records by the United States Citizenship and Immigration Services, or any other governmental authority deemed to have the authority to inspect such records for purpose of enforcement of the provisions of IRCA.

**PROBATIONARY PERIOD**

**I. PURPOSE**

To complete the employee selection process by providing an orientation period of on-the-job work experience, by which both the new employee and the Town may evaluate the suitability of employment on a regular basis. Additionally, to provide an opportunity for the Town and a newly assigned or promoted employee to evaluate the suitability of a new position.

**II. SCOPE**

The policy applies to new employees of the Town and to newly promoted employees.

**III. POLICY**

New employees or employees who are newly promoted shall serve a probationary period of six months. This period is used to determine whether the employment relationship should continue.

If at any point during the probationary period, the Town Manager determines, in his/her sole discretion, that a satisfactory performance cannot be achieved through a reasonable amount of training and coaching, probationary period employees shall be terminated or return to their former position.

**IV. GUIDELINES**

A. The probationary period for newly hired or promoted employees shall be six months.

B. During the initial probationary period, the employee shall receive informal verbal performance evaluations from the supervisor on a monthly basis, unless the supervisor is providing a formal written performance evaluation as set forth below.

Probationary evaluations shall be conducted according to the following schedule:

1. All new employees shall receive a formal, written performance evaluation at the end of six months, and annually thereafter.

2. Newly promoted employees shall receive a probationary evaluation at the end of six months and annually thereafter.

C. Upon satisfactory completion of the probationary period, employees may move to regular status and are then subject to the annual performance review process, which is conducted during the month of March.

D. If, during the course of the initial probationary period, the supervisor determines that the employee is not suitable for the job, the employee may be informed that employment is being terminated during the probationary period. Any such decisions shall be approved by the Town Manager and handled in accordance with the policy entitled “Termination of Employment.” Such action shall be defined as a release for unsuccessful probation and shall not be considered a dismissal for cause, nor shall it be subject to any rights of appeal.

E. If, during the course of the promotional probationary period, it is determined that the probationary period is unsuccessful, the employee may be returned to the position formerly held without a right of appeal.

**PERSONNEL RECORDS**

**I. PURPOSE**

To establish standards by which information contained in personnel records shall

be managed to achieve accuracy, privacy, and legal compliance.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to maintain all employee files according to all Federal and State record keeping requirements, as well as the following guidelines.

**IV. GUIDELINES**

A. **Changes** – All changes of address, telephone number, family status (i.e., birth, adoption, marriage, death, divorce, legal separation) shall be reported to the Administration Office within one week. An employee’s income tax status and group insurance may be affected by these changes.

B. **Personnel File Access** – Access to personnel files shall be restricted to the Deputy Town Clerk or Town Manager.

C. **Information Requests and Employment References** – Requests for information from employee files received from outside the Town, including requests for references on former employees, shall be directed to the Deputy Town Clerk or Town Manager.

**Note:** Supervisors and other employees may provide letters of references for current or former employees. However, the Town Manager shall approve all letters prior to distribution.

**V. PROCEDURE**

A. **Telephone Inquiries** – Information shall be verified only by the Deputy Town Clerk or Town Manager, via telephone, but shall be limited to the following:

* date of hire
* date of termination
* most recent position held

**Note:** No other person is authorized to provide information via a telephone inquiry, unless previously authorized by the Deputy Town Clerk or Town Manager.

B. **Written Inquiries** – If the request for information is in writing and signed by the employee or former employee, salary information may be verified in addition to the items set forth in Guideline V-A above. This verification shall only be in writing from the Deputy Town Clerk or Town Manager. A copy shall be retained in the employee’s personnel file.

C. **References with Written Approval** – With written approval from the current or former employee, salary, job chronology, and performance information may be released in writing only. This may be explained to separating employees in the exit interview.

D. **Examination of an Employee File** – Inspection of an employee’s personnel file may be accomplished at reasonable times during office hours under the following conditions:

1. **Employee** – Upon request by an employee and in the presence of the Deputy Town Clerk or Town Manager, the employee may inspect the personnel file. Employees have the right to obtain copies of any documents in the file that are signed by the employee as a condition of initial or continued employment.

2. **Government Inquiries** – The Town shall cooperate with Federal, State and local governmental agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. The investigation shall be permitted on the Town premises, but the investigator shall not be allowed to remove or reproduce this information without consent from the Town Manager and the Town’s legal counsel.

3. **Other Inquiries** – Any discovery requests from a civil lawsuit will require consent from the Town’s legal counsel, as some items may need to be disclosed, but other items may require redactions pursuant to Arizona’s public records laws.

E. **File Retention** – The permanent or “central” file containing all employee information shall be maintained in the Administration Office. Originals of personnel records shall be maintained in the Administration Office for a period of seven years after an employee’s separation date. Supervisors may maintain a “local” file with information relating to performance, emergency contact, certifications, equipment/property/uniforms issued, etc. This file may be transferred to the new supervisor in the event of an employee transfer.

F. **Medical Files** – All medical files shall be maintained separate from the employee personnel files.

1. **Content** – Medical files shall contain any information related to one’s medical or physical condition including but not limited to such items as: Physical Examinations results, Workers’ Compensation reports, Drug Screen results, and Hazardous Materials Exposure reports.

2. **Access** – Access to the medical files shall be restricted to the Deputy Town Clerk or Town Manager.

3. **Release of Information** – Medical information shall be released only upon written authorization of the employee or upon proper request from other persons or agencies that have legal rights to the information.

G. **Forms W-4 and A-4** shall be updated by the employee annually.

**TERMINATION OF EMPLOYMENT**

**I. PURPOSE**

To aid in the timely and accurate processing of employees who are separating from service, consistent with positive employee relations practices.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

Termination of employment occurs when an employee is permanently separated from employment at the Town for any of the following reasons: voluntary resignation, dismissal, retirement, layoff or death.

**IV. DEFINITIONS**

A. **Voluntary Resignation** – when an employee chooses to terminate employment with the Town.

B. **Dismissal** – when the Town initiates the termination due to unsatisfactory performance or conduct, or other compelling business reasons.

C. **Retirement** – a voluntary separation, which usually includes qualification for benefits under the Arizona State Retirement System (ASRS) or the Arizona Public Safety Personnel Retirement System (PSPRS).

D. **Layoff** – a Town-initiated action taken if it is deemed necessary to reduce staffing levels.

**V. GUIDELINES**

A. An employee who is voluntarily resigning from the Town is requested to provide a minimum of two week notice prior to the last day of work. This act of courtesy shall be noted in the personnel file and shall be a consideration in future employment opportunities.

B. An employee who is absent from work for two consecutive scheduled workdays without notification shall be considered to have voluntarily resigned employment with the Town. In the event that mitigating circumstances resulted in an employee’s inability to provide contact with the Town, the Town Manager may determine otherwise appropriate action.

C. Any termination initiated by the Town shall be approved in advance by the Town Manager.

D. In the event that circumstances were to require a reduction in the workforce, a **layoff** shall occur. Before any such layoff occurs, the affected employee(s) shall receive two weeks prior notification. As per the policy regarding Employment Eligibility Lists, the employee on layoff status shall be placed at the top of the eligibility list.

E. In the event of a Town initiated termination (**dismissal or layoff**), final payment of wages and other accumulated hours due for holiday, vacation, and compensatory time shall be paid to the employee on the last day of work.

F. In the event of a **voluntary resignation**, final payment of wages and other accumulated hours due for holiday, vacation, and compensatory time shall be paid to the employee on the next regularly scheduled payday.

G. Provisions for an employee’s **retirement** are set forth by the guidelines of the governing retirement system. In the event of a retirement, final payment of wages and other accumulated hours due for vacation, and compensatory time shall be paid to the employee on the next regularly scheduled payday.

H. Employees who leave the Town in good standing may be considered for future re-employment. Employees who resign without adequate notice or who are discharged for unsatisfactory performance or conduct generally shall not be considered for re-employment.

I. Upon termination, the employee shall be required to return to the supervisor any property belonging to the Town. If any Town property in the employee’s possession has been lost or damaged, the cost of replacing such property may be deducted from the employee’s final paycheck. In such event, the amount shall not reduce the employee’s earnings for the final pay period below the current minimum wage. Employees shall be responsible for making arrangements with the Administration Office for repayment of any amounts that remain due.

J. An exit interview may be conducted on or before the employee’s final day of work (see: Exit Interview Policy).

K. The termination date shall be the last day worked by the employee. An exception to this would be if an employee does not return from a leave of absence, at which point the termination date shall be the date the employee notifies the Town of such intention.

L. In the unfortunate event of a death of an employee, the Town Manager or Deputy Town Clerk shall be responsible for initiating the disbursement of all wages and benefits due.

PROCEDURES FOR TERMINATION

A. Upon notification of termination, the employee’s supervisor is required to complete a “Personnel Action” form. This form shall contain the signatures of both the employee and the supervisor.

B. The supervisor shall send the completed form to the Administration Office for processing of the final paycheck.

C. The supervisor may schedule a meeting with the employee and the Town Manager to make final pay arrangements, terminate employee benefits, etc.

D. The supervisor may schedule a meeting with the employee and the Town Manager for an exit interview.

E. On the employee’s last day of work, the supervisor shall collect all of the equipment/property/uniforms that have been issued to the employee. In order to accomplish this, the supervisor should review the personnel file to verify what the employee has been issued. Any items not returned shall be documented and submitted to the Administration Office. If the employee previously signed an agreement regarding the return of Town-issued property, the value of the items shall be deducted from the final paycheck.

F. Upon completion of the employee’s final day of work, the final timesheet shall be completed and turned in to the Administration Office for processing of the final paycheck.

**EXIT INTERVIEWS**

**I. PURPOSE**

To determine and document the reasons employees leave the Town, to provide an opportunity for the airing of concerns that have not been resolved, and to solicit constructive criticism helpful in improving the Town.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

Prior to the end of the last day of work for the Town, employees may have an Exit Interview with the Town Manager or if permitted by the Town Manager their immediate supervisor.

**IV. PROCEDURE GUIDELINES**

A. Supervisors shall refer terminating employees to the Town Manager for an Exit Interview.

B. The Exit Interview may cover, but not to be limited to, the employee’s comments regarding the following points:

1. Job duties and work load

2. Quality of supervision

3. Town policies and practices

4. Working conditions

5. Salary and benefits

C. The employee shall be asked to sign the Exit Interview form.

**PHYSICAL EXAMINATIONS**

**I. PURPOSE**

To ensure that prospective and current employees meet the minimum physical standards for the position they perform.

**II. SCOPE**

This policy applies to all current or prospective employees.

**III. POLICY**

For some positions, it is the policy of the Town to require physical examinations prior to employment and annually thereafter, in order to ensure that employees are physically capable of fulfilling the essential functions of the position to which they are assigned.

**IV. GUIDELINES**

A. Job offers to potential employees may be made contingent upon the applicant passing a physical examination.

B. The potential employee may be required to undergo a physical examination with the Town designated medical provider.

C. In the event the individual does not pass the physical examination, the offer of employment shall be withdrawn.

D. In order to ensure the physical standards continue to be met, all employees shall be required to undergo regular physical examinations on an annual basis.

E. The results of the examination shall be maintained in the employee’s medical file, as per the policy entitled “Personnel Records.”

F. In the event a current employee does not pass the examination, the employee shall be sent for a second medical evaluation. If it is further determined that the employee has not passed, the Town Manager shall consult with the Town’s designated physician to determine if any feasible measures are available to return the employee to a point of meeting the physical requirements. In such event, the Town Manager may establish, based upon the physician’s recommendation, a timeframe and the suggested methodology necessary to allow the employee to meet the physical requirements of the job. However, employee’s that fall within the purview of 3-1-1 of the Town Code, the Town Manager will require Town Council approval.

G. If it is determined that the employee is unable to meet the physical requirements of the current position, the employee shall be relieved of duty.

H. If another position is available for which the employee is physically able to perform the job, and the employee meets the minimum requirements, the employee may be offered the opportunity to interview for such a position.

I. If another position is unavailable and the employee’s medical problems are not attributable to a work-related injury or illness, the Town Manager may determine a reasonable time period for the person to reach the necessary fitness level. If such an option is deemed not feasible, or if the employee is unable to meet the fitness level in the prescribed time frame, employment shall be terminated.

**CODE OF EMPLOYEE RELATIONS**

**I. PURPOSE**

To strive to achieve mutual respect in the working relationships within the Town at all times.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to be open and honest with all employees and to respect their rights as individuals, as well as to encourage open communications between the Town and the employees.

**IV. GUIDELINES**

To achieve these goals, the Town shall strive to:

A. Provide prompt, courteous, and careful attention to employee concerns and needs.

B. Provide the opportunity for employees to advance through development and training to lead to increased knowledge and skill.

C. Provide promotional opportunities based on performance and ability.

D. Provide competitive wages, benefits, and working conditions.

E. Provide qualified and competent supervision.

F. Provide a safe working environment.

**EQUAL EMPLOYMENT OPPORTUNITY**

**I. PURPOSE**

To preserve an employment environment free from all aspects of illegal discrimination.

**II. SCOPE**

This policy applies to all employees of the Town and all applicants for employment.

**III. POLICY**

The Town shall maintain a policy of nondiscrimination with regard to all employees and applicants for employment. There shall be no discrimination or bias because of race, color, religion, sex, age, national origin, disability, marital status, ancestry, sexual orientation, gender identity or any basis prohibited by federal and state employment laws. All aspects of employment with the Town shall be governed on the basis of merit, competence, and qualifications. The Town is the final judge of the suitability of all candidates for employment.

The Town shall comply with the applicable provisions of the Americans with Disabilities Act of 1990 by guaranteeing equal opportunity to individuals with disabilities. The Town prohibits discrimination against “qualified individuals with disabilities” in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It also applies to recruitment, advertising, length of service, layoff, leave, fringe benefits, and all other employment-related activities.

**IV. COMPLAINT PROCEDURE**

An employee or job applicant that feels they have been treated unfairly, or discriminated against in any way, or is aware of the possibility that someone else has been discriminated against, shall notify a Town representative via one of the following options:

A. The employee’s immediate supervisor, or

B. The next higher level of management above the immediate supervisor, or

C. The Town Manager, or

D. The Town Council.

Regardless of who receives the initial complaint, the person receiving the initial complaint, if at all possible, shall notify the Town Manager on the same day. All communications regarding this subject are to be kept in strict confidence.

**HARASSMENT / SEXUAL HARASSMENT**

**I. PURPOSE**

To establish the Town’s position prohibiting harassment, to set forth guidelines for handling violations of the policy, and to specify the related complaint handling procedure.

**II. SCOPE**

This policy applies to all employees of the Town. Furthermore, the Town has established appropriate procedures to insure that non-employees (i.e., vendors, suppliers, customers) doing business on Town premises are also made aware of the intent of this policy.

**III. DEFINITION**

A. **Sexual Harassment** – Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct:

1. Is made explicitly or implicitly a term or condition of employment. Or

2. Is used as a basis for employment decisions, or

3. Has the purpose or effect of interfering with work performance or creating an otherwise offensive, hostile, and/or intimidating work environment.

B. **Harassment** – Unwelcome verbal, physical or visual conduct of a racial, ethnic, age, religious affiliation, disability, sexual orientation, gender identity or other type that impairs an employee’s ability to perform the job or has the purpose or effect of interfering with work performance or creating an otherwise offensive, hostile, and/or intimidating working environment.

**IV. POLICY**

Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited by EEOC (Equal Employment Opportunity Commission) regulations. Any employee who engages in any of the acts or behaviors defined above is in violation of Town policy.

The Town shall take disciplinary action when an employee is determined to have violated this policy. Such action shall include a range of disciplinary measures, up to and including termination.

The Town enforces all Federal and State regulations relating to fair and proper treatment of all employees.

Any activity by anyone, male or female, that makes an employee feel that he or she is being harassed shall not be tolerated.

When working, employees are expected to exercise good judgment and avoid the creation of situations that could cause another employee to feel threatened or uncomfortable.

In addition, foul and vulgar language is offensive to some people and is not acceptable.

Any employee who believes he or she has been subjected to objectionable conduct by another employee or anyone doing business with the Town shall bring the matter to the attention of management.

**V. PROCEDURE FOR REPORTING COMPLAINTS OF HARASSMENT**

Complaints of harassment of any type shall be brought to the attention of management via one of the following options:

A. The employee’s immediate supervisor, or

B. The next higher level of management above the immediate supervisor, or

C. The Town Manager, or

D. The Town Council.

Regardless of who receives the initial complaint, the person receiving the initial complaint, if at all possible, shall notify the Town Manager on the same day.

Investigation and handling of the complaint of alleged harassment shall be handled as a highly sensitive personnel matter.

All communications regarding this subject shall be kept in confidence to the greatest extent possible, understanding that the investigation process may require some additional discussion.

Any employee, who, in good faith, brings forth a complaint of harassment, shall be free from any form of retribution or reprisal on the part of management or other employees.

If an employee is found to have made a false and pretentious complaint of harassment, the employee shall be subject to disciplinary action.

**OPEN DOOR POLICY: SOLVING EMPLOYEE CONCERNS**

**I. PURPOSE**

To facilitate communications between employees and management so as to provide solid working relationships and effective and efficient operations.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to provide a means for an employee to seek answers to questions, to communicate ideas or to bring problems or concerns about work to the attention of management.

**IV. GUIDELINES**

A. Employees are encouraged to bring forth ideas, questions or concerns to the attention of management.

B. All supervisors are encouraged to listen to employees’ work-related concerns or ideas, provide information, and whenever possible, resolve problem situations.

C. When appropriate and if possible, information concerning an employee’s concerns shall be kept confidential. In some cases, however, members of management staff may need to be informed for appropriate resolution of the problem.

**V. PROCEDURE FOR SOLVING CONCERNS**

A. If an employee has a work-related concern, the employee shall first discuss it with the immediate supervisor to allow the supervisor the opportunity to resolve the matter.

B. If the matter is not resolved to the employee’s satisfaction, or if the employee is uncomfortable discussing the particular issue with the immediate supervisor, the employee is encouraged to bring the matter to the Town Manager.

C. If resolution is not achieved through these informal means, the employee may opt to use the Complaint/Appeals Procedure as outlined in this manual.

**CORRECTIVE ACTION / DISCIPLINARY PROCESS**

**I. PURPOSE**

To promote a safe, harmonious, and efficient work force.

**II. SCOPE**

This policy applies to all full-time employees of the Town.

**III. POLICY**

It is the policy of the Town to provide a work environment that encourages freedom of thought, expression and conduct, as long as these actions support our mission and are consistent with our efforts to provide customer service excellence. It is also our policy to provide a harmonious, challenging, and positive work environment to enhance career development. Additionally, the Town shall approach employee performance deficiencies in a positive and supportive fashion, geared toward helping the employee achieve success with improvement efforts. However, there may be times when performance and/or conduct may require some form of corrective or disciplinary actions to achieve these ends.

**IV. GUIDELINES**

A. It is the policy of the Town that supervisors administer discipline in a positive, corrective and progressive manner.

**Positive** in that we will take the approach that most instances of negative performance are correctable to a positive outcome with a minimum of supportive reinforcement.

**Corrective** in the sense that the supervisor and employee come to an understanding about the causes and/or reasons for an employee’s performance deficiencies; correct those deficiencies; and restores the employee to a productive and positive level of performance.

**Progressive** in that corrective measures will normally begin with verbal counseling or a verbal warning, and when circumstances warrant, proceed to written warning(s), suspension, demotion, and dismissal. Dependent on the nature of severity of an incident of misconduct, any of these forms of disciplinary action may be taken whether or not a lesser form has preceded the action.

B. This policy sets forth the norms of the discipline process but allows for management to exercise discretion in determining the degree of the discipline to be administered.

C. Corrective action procedures shall be administered privately and confidentially, and within a reasonable time frame following the infraction.

D. In the event that an employee feels subjected to unfair corrective or disciplinary action, the employee shall discuss it with the supervisor. If the employee feels it is necessary, the employee may proceed as per the guidelines of the Complaint/Appeals Procedure, as set forth in this manual.

E. In a situation in which further investigation into an incident is deemed necessary, the employee may be placed on **Administrative Suspension** (suspension with pay). The supervisor shall discuss the situation with the Town Manager prior to placing an employee on suspension with pay. An employee placed on Administrative Suspension shall be paid until determination of further action is made. Any such suspension shall be ordered in writing and shall not be considered as disciplinary action. Thus, a suspension with pay shall not be subject to appeal.

**V. PROGRESSIVE DISCIPLINE PROCEDURES**

A. Often times the initial step toward corrective action may be a **verbal counseling discussion** between the supervisor and the employee to provide the employee with an understanding of the problem and set forth a course of action to achieve satisfactory performance or conduct. The supervisor shall document the conversation and maintain such record in their own supervisory files.

B. Another step in the process may be the issuance of a **Verbal Warning**, which shall describe the problem or incident(s) and how to attain the desired performance, and summarize the course of action being taken, as well as the potential for further action. This shall be documented in writing and signed by the employee and supervisor and may be placed in the supervisor’s file or the employee’s central personnel file, depending upon the nature and severity of the incident.

C. Supervisors may elect to use a **Written Warning** to document a repeat offense of an infraction, or a more serious single infraction for which suspension, demotion or dismissal may not be warranted. This shall be documented, describing the nature of the problem, any previous or related conversations or actions (if applicable), as well as the behavior or performance needed to correct the problem. All Written Warnings should be discussed between the supervisor and the Town Manager prior to being administered. The form is to be signed by the employee and the supervisor and placed in the employee’s central personnel file. Additionally, a copy of the documentation shall be provided to the employee.

D. If an employee’s conduct or performance is deemed severe enough, an employee may be placed on a **Disciplinary Suspension**. In such a situation, the supervisor shall confer with the Town Manager to determine the length of the disciplinary suspension, which shall be without pay. This action shall also be documented in writing, describing the nature of the problem, any previous or related conversations or actions (if applicable), as well as the behavior or performance needed to correct the problem. The record is to be signed by the employee and the supervisor and placed in the employee’s central personnel file. Disciplinary Suspension without pay shall not exceed 14 consecutive calendar days, nor shall any employee be penalized by suspension for more than 14 days in any 12-month period.

E. Another disciplinary action available is that of **Demotion**. In the event that the employee’s continued performance in the existing position is determined not in the best interest of the Town, the Town Manager may opt to reassign the employee to a position of lower status and pay (see Policy entitled “Demotion”). Such action shall be documented in writing, signed by the employee, supervisor, and the Town Manager and placed in the employee’s central personnel file. A copy of this documentation shall be given to the employee prior to the effective date of the demotion.

F. If the employee’s conduct or performance is deemed severe enough, or the determination is made that the employee has been unable to or unwilling to achieve a satisfactory level of performance, the most serious action to be taken shall be **Dismissal**. The Town Manager shall approve all dismissal/termination decisions. It is to be noted that while progressive discipline is generally afforded, certain violations or conduct may be deemed severe enough to warrant immediate termination without prior steps being taken.

If it is determined that continuation of employment is not in the best interest of the employee or the Town, all facts, conversations, and actions shall be thoroughly documented and submitted with termination paperwork for processing of the termination.

Note: However, if the employee falls within the purview of Section 3-1-1 of the Town Code, the actions taken in D., E., and F. will require the approval of the Town Council.

Note: If an employee qualifies, a Loudermill hearing may be appropriate before any disciplinary action, demotions, and dismissals so that the employee is accorded their legal meaningful opportunity to contest the charges which support the proposed disciplinary action. (Probationary and “At Will” employees do not qualify.)

Definition: A “Loudermill Hearing” is part of the “due process” required that must be provided to a public employee (Probationary and “At Will” employees do not qualify) prior to removing or impacting the employment property right (e.g. imposing sever discipline).

The purpose of a “Loudermill Hearing” is to provide an employee an opportunity to present their side of the story before the employer makes a decision on discipline.

Prior to the hearing, the employee must be given a Loudermill letter – i.e. specific written notice of the charges and an explanation of the employer’s evidence so that the employee can provide a meaningful response and an opportunity to correct factual mistakes in the investigation and to address the type of discipline being considered.

**COMPLAINT / APPEALS PROCEDURE**

**I. PURPOSE**

To provide a process for employees to discuss complaints or problems with management and to receive careful consideration and a prompt resolution.

**II. SCOPE**

This policy applies to all full-time employees who have a grievance or complaint other than wages, policies and procedures as established by the Personnel Policy Guidelines. However, all employees have the right to file a complaint regarding harassment or any other form of discrimination. The procedure for filing a complaint for alleged discrimination or harassment is provided within the policies covering these areas (Harassment/Sexual Harassment; Equal Employment Opportunity).

**III. POLICY**

Each employee of the Town is encouraged to:

1. “Discuss work-related complaints or concerns with management, and

2. Appeal an unfavorable decision to the Town Manager and if dissatisfied with the Town Manager’s decision, to the Town Council.

**IV. DEFINITION**

A complaint is defined as a condition of employment or application of a policy that the employee perceives as being unjust or inequitable.

**V. GUIDELINES**

1. The employee shall follow the established review procedure listed below in presenting any complaint. When a complaint involves an employee’s immediate supervisor, the complaint shall be presented to the Town Manager after attempting an oral resolution.

2. In order for a complaint to be considered, it must be brought forth within 15 days of the date of the circumstance which resulted in the complaint. If after receiving the management response, the employee wishes to move to the next step of the process, he must do so within five calendar days of the receipt of the response. Failure of the appellant to follow through within the timeframe will terminate the complaint process.

3. Employees are assured of freedom from reprisal for using these complaint/appeals procedures.

4. An employee involved in the complaint process shall be allowed to confer during working hours with the Town Manager first, and if not resolved, then the Town Council regarding the complaint. The supervisor shall grant permission for such, but shall determine the best time for such a conference so as to not cause interference with the employee’s assigned work.

**VI. PROCEDURE**

1. **Step One** – For the purpose of adjusting complaints and problems, the employee is encouraged to first seek assistance by discussing it with his or her immediate supervisor. If the employee still has concerns, the complaint should also be documented in writing to the supervisor. The supervisor will be responsible for handling the complaint as an important business matter, making every effort to arrive at a prompt, equitable solution. The supervisor shall document in writing any conclusions, solutions or unsolved problems and provide such documentation to the employee within five working days of the receipt of the complaint.

2. **Step Two** – If the employee still does not feel that the complaint has been satisfactorily resolved after Step One, he has the option of taking the problem to the Town Manager for further consideration. All documentation from the complaint process must be provided to the Town Manager for review. The Town Manager will evaluate the situation and the response from the supervisor, and then render his decision within ten working days.

3. **Step Three** – If the employee still does not feel that the complaint has been satisfactorily resolved after Step Two, he or she has the option of taking the problem to the Town Council. The Town Council’s decision shall be final, and there shall be no further administrative appeal.

4. **Review Committee** – If the Town Council so chooses, it may refer the complaint to a review committee for assistance in reviewing the case.

A. The Review Committee will be comprised of the following:

(1) A representative appointed by the Town Council,

(2) A fellow employee selected by the employee, and

(3) Another employee selected jointly by the Town Manager and the appellant. This employee may not have any connection to the issue at hand.

B. The Town Manager will convene the hearing within ten calendar days of the written request for appeal.

C. Both the appellant and the supervisor who made the initial decision that is being reviewed will present their stance on the issue. Both sides may appear personally, produce evidence, call witnesses, and have peer representation.

D. The Review Committee shall be empowered to call witnesses, investigate, ask questions and take sworn testimony.

E. The proceedings will be tape recorded and preserved for a minimum of thirty days after the decision is rendered.

F. The Review Committee will issue a written recommendation to the Town Council within five calendar days of the hearing. Upon review of the recommendation, the Town Council shall render a final decision.

G. All decisions of the Town Council will be final and binding.

**STANDARDS OF CONDUCT**

**I. PURPOSE**

To establish standards of conduct that provide employees with an understanding of their responsibilities in establishing and maintaining high morale and safe, harmonious, and efficient operations.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to prohibit any conduct that interferes with operations, discredits the Town, is offensive to members of the public, customers or fellow employees, or endangers the safety of any individuals.

**IV. GUIDELINES**

The following conduct is prohibited and may subject the employee involved to corrective and/or disciplinary action, up to and including dismissal. The list of examples is illustrative of the type of behavior that is not permitted, but this list is not intended to be all-inclusive.

A. Providing false or misleading information when applying for employment or at any time during employment.

B. Insubordination; refusal to follow job-related instructions of supervision.

C. Demonstration of incompetence or inability to adequately perform job duties; or demonstration of inefficiency in the execution of duties.

D. Unauthorized use or abuse of sick leave.

E. Theft or misappropriation of Town or public property, funds, records, equipment, proprietary information or personal property of employees.

F. Being in possession of or consuming alcoholic beverages or illegal or controlled substances or prescription drugs for which one does not have a current prescription during working hours and/or on Town property; or reporting for duty under the influence of alcohol or illegal drugs or controlled substances or prescription drugs for which one does not have a current prescription.

G. Selling, offering to sell, purchasing, offering to purchase, trading, transferring or exchanging alcohol or illegal drugs or controlled substances or prescription drugs during working hours and/or on Town property.

H. Altering or falsifying time records – one’s own or those of another employee.

I. Altering or falsifying Town business records, reports, files or documents.

J. Violation of the Town’s Harassment/Sexual Harassment policy.

K. Verbal or physical harassment of another employee that interferes with work performance.

L. Failure to report for work upon conclusion of a Leave of Absence or paid time off.

M. Discussing confidential or proprietary information with individuals not affiliated with the Town, or not reporting potential conflict of interest situations.

N. Unprofessional language or behavior, profanity, mistreatment, disrespect, or discourteous treatment of customers, visitors or other employees.

O. Possessing dangerous weapons, such as firearms, long-bladed knives, etc., while on duty or on Town property.

P. Assault on a fellow employee or member of the public.

Q. Irregularities involving the handling of Town property, files or petty cash.

R. Obtaining supplies, materials or other property or money from the Town or its employees or members of the public by fraudulent means or misrepresentation.

S. Excessive absenteeism or tardiness.

T. Failure to adhere to Town safety rules, including the use of protective safety equipment.

U. Failure to comply with the guidelines set forth in Town documents such as the Policy Manual, Standard Operating Procedures Manual, or any other written directives or orders of the Town.

V. Soliciting, distributing, posting or displaying campaign literature for or against any political candidate or ballot measure while on duty or in on Town premises.

W. Failure to adhere to the standards set forth in the loyalty oath.

X. Failure to maintain current and proper licenses and/or certification required to perform assigned duties.

Y. Unauthorized personal use of Town credit cards, cash or Town property; conducting personal business during normal working hours or using Town materials or equipment on personal projects.

Z. Refusal to work assigned overtime.

AA. Off-duty conduct that brings discredit upon the Town.

BB. Deliberately accepting or continuing active employment while suffering a serious communicable disease without notifying the Town.

CC. Conviction of a criminal offense involving moral turpitude.

DD. Violation of traffic laws

**CONFIDENTIALITY OF INFORMATION**

**I. PURPOSE**

To protect the privacy of both Town affairs and employees’ personal information.

**II. SCOPE**

This policy applies to all employees of the Town

**III. POLICY**

It is the policy of the Town that the business affairs of the Town and the personal affairs of the employees shall be discussed with no one outside the Town if it is information that is not available to the general public.

**IV. GUIDELINES**

A. Dissemination or disclosure by any employee of the Town’s proprietary operations or procedures is strictly prohibited.

B. Access to certain confidential or sensitive Town information or employee information shall be limited to those employees who, in the Town Manager’s judgment, “need to know” in order to perform their job duties. Unauthorized employees may not attempt to obtain or observe such information. Any employee who handles confidential information is responsible for its security, both internally and externally.

C. Likewise, any information gained by a Town employee regarding the activities or operations of the Town’s suppliers or public customers is to be strictly confidential.

D. Violation of this policy may result in corrective and/or disciplinary action up to and including termination.

**CONFLICT OF INTEREST / OUTSIDE EMPLOYMENT**

**I. PURPOSE**

To protect the integrity of Town information, services, and employee efforts.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town that all employees shall avoid any activity, practice, secondary employment or act which might create a conflict between one’s personal interest and one’s employment with the Town.

**IV. GUIDELINES**

A. No employee of the Town may accept other employment in any organization that does business with the Town or is a competitor of the Town, unless the employee has received prior approval from the Town Manager.

B. If an employee or a member of the employee’s immediate family has a financial interest in an organization that does business with the Town, and the interest might be sufficient to affect that employee’s decisions or actions, the employee must fully disclose the interest to the Town Manager and must not represent the Town in any related transaction.

C. While the Town does not prohibit the practice of holding a second job, the Town does insist that an employee’s job with the Town come first and that a second job does not interfere with or reflect unfavorably on the Town. Employees holding a second job must provide prior written notification to the Town Manager, who shall notify the Town Council if the employee falls within the purview of Town Code 3-1-1. Additionally, the employee holding a second job must maintain current notification to all times.

D. No employee or member of the employee’s immediate family shall accept or solicit any gift, service, special accommodation or other favors from any current or potential customers with whom the Town does business, if it might be inferred that such action could affect the employee’s business decisions. This policy does not preclude normal, ethical business practices such as token luncheons, token gifts, advertising items such as pens, pencils, and calendars, or other gifts of nominal value.

E. No employee shall directly or indirectly, give, offer or promise anything of value to any representative of any organization in connection with any transaction or business that the Town may have with the organization.

F. No employee shall engage in conduct that is disloyal, disruptive, competitive or damaging to the reputation of the Town.

G. Because it is not possible to describe every situation which could arise involving potential conflicts of interest, employees are asked to carefully evaluate any activity which could be construed as potentially conflicting with their employment and to seek advice from the Town Manager regarding such activity.

**ATTENDANCE AND PUNCTUALITY**

**I. PURPOSE**

To provide a fair, consistent, and effective method of controlling employee attendance to help maintain efficient operations.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to require good attendance and punctuality on the part of its employees in order to ensure the success and efficiency of Town operations.

**IV. GUIDELINES**

A. Employees shall report to work as scheduled and be at their work station, properly attired, prepared to begin work at the prescribed starting time, as well as after scheduled breaks.

B. In the event that an employee is unable to report to work or is going to be late, the employee is to personally notify the immediate supervisor as far in advance as possible, and no later than the scheduled starting time. If prior notification is not possible, (i.e., due to an emergency or sudden illness), the employee must notify the supervisor as soon as is practical.

C. Notification of absence or lateness shall include reasonable explanation of the circumstances as well as an indication of the expected date and time the employee plans to return to work.

D. Absences of more than one day shall be reported daily, unless other prior arrangements have been made with the supervisor.

E. In the event that an employee is more than 30 minutes late reporting to work, a supervisor may use discretion in determining whether or not the employee may work the remainder of the day. If the employee is not permitted to work for the remainder of the day, the employee may use vacation time, or may opt to take the time off without pay.

F. If schedules and conditions permit, the supervisor may allow a non-exempt employee to make up time lost due to absence or tardiness.

G. An employee who is absent from work for two consecutive days without notification shall be considered to have voluntarily resigned from employment with the Town. In the event that mitigating circumstances resulted in an employee’s inability to provide contact with the Town, the Town Council may determine otherwise appropriate action.

H. Excessive absenteeism or tardiness places an extra burden on fellow employees, as well as the Town as a whole. Therefore, an employee who demonstrates a problem with absenteeism of tardiness shall be subject to disciplinary action, up to and including termination.

**UNIFORMS AND GROOMING STANDARDS**

**I. PURPOSE**

To establish a standard for professional appearance.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

In order to portray a positive public image and demonstrate pride and professionalism, it is the policy of the Town to maintain high standards regarding employee appearance, dress, and grooming.

**IV. GUIDELINES**

A. All employees shall adhere to good personal hygiene practices, including neat and clean appearance, well-groomed hair, proper attention to oral hygiene, absence of offensive body odors, and attire that is appropriate to their line of work.

B. Employees are expected to dress in a manner which is business-like, professional and appropriate to their respective position.

C. In such positions where uniforms are provided, the employee shall be required to wear the uniform at all times when on duty. Employee uniforms should be clean and in good condition. Shoes shall be in good condition.

D. In such positions that the Town provides required uniforms, the Town also provides laundering, replacements, and maintenance as needed. It is the responsibility of the employee to notify the supervisor in the event that a uniform item is in need of repair or replacement.

E. Any uniform elements issued by the Town remains as Town property. Thus, when an employee terminates, all uniform items shall be returned. The cost of uniform items not returned will be deducted from the employee’s final paycheck, according to the guidelines set forth in the policy entitled “Termination of Employment.”

**TOBACCO USE**

**I. PURPOSE**

To promote and maintain guidelines regarding tobacco use in the workplace that are in consideration of the health and safety of employees, visitors, and the public.

**II. SCOPE**

This policy applies to all employees, as well as to visitors on Town premises.

**III. POLICY**

It is the policy of the Town to control the use of tobacco in the workplace in accordance with the laws and the rights, needs, health, and concerns of tobacco users and non-users alike.

**IV. GUIDELINES**

A. Tobacco use may be prohibited in certain Town facilities. Individual buildings are designated as non-smoking facilities, and employees are required to adhere to such regulation. These buildings include Town Hall, Council Chambers, Wastewater Treatment Office and Plant buildings, Public Works building, Library, Cady Hall, Town Vehicles, and the public restrooms in the park.

B. Receptacles are provided in the rear of the buildings and all tobacco users shall use the receptacles and shall thoroughly clean and maintain the receptacles and the surrounding area. Chewing tobacco waste shall be allowed on dirt, rocks or asphalt, but shall be prohibited on concrete or any other surface that could cause an unsightly condition.

C. To the extent that these guidelines conflict with local, state, or federal laws or regulations established for fire, health, or safety reasons, the relevant laws or regulations shall apply.

D. Any employee using tobacco shall be considerate of the rights and health concerns of fellow employees and the public.

**MEDIA RELATIONS**

**I. PURPOSE**

To establish a means for accurate and consistent dissemination of information to the media.

**II. SCOPE**

This policy applies to all employees of the Town, with the exception of the Town Manager who may exercise discretion in the release of information to the media.

**III. POLICY**

In order to ensure clear, consistent, and accurate dissemination of information to the media, it is the policy of the Town to channel all media inquiries and communications through established contacts within the Town.

**IV. GUIDELINES**

A. The Town Manager shall serve as the primary spokesperson to the press, unless he opts to designate an alternative spokesperson for a particular inquiry, in which case the alternate person shall be provided necessary information or data to respond to the inquiry.

B. The Town Marshal shall serve as the primary spokesperson to any media inquiries related to a specific criminal investigation.

C. Press releases may be issued only through the Town Manager. The Mayor and Council will be informed in some manner (email, phone, etc.), by the Town Manager, regarding anything significant enough to require a press release.

D. Employees who identify any opportunity for favorable publicity for the Town should contact the Town Manager, who shall determine the Town’s interest, and if necessary, provide any needed information or materials.

**SOLICITATION AND DISTRIBUTION**

**I. PURPOSE**

To minimize disruption of normal Town operations by limiting and controlling solicitation and distribution on Town premises.

**II. SCOPE**

This policy applies to all employees of the Town, as well as to outside visitors, venders, suppliers, etc.

**III. POLICY**

It is the policy of the Town to place limitations on individuals attempting to solicit or distribute on Town premises according to the following guidelines.

**IV. GUIDELINES**

A. Persons who are not employed by the Town are prohibited from solicitation and distribution on Town premises without prior approval from the Town Manager.

B. Employees are permitted to engage in solicitations or distribution of literature for any group or organization, including charitable organizations, only in accordance with the following restrictions:

* The sale of merchandise is prohibited on Town premises. Exceptions may be granted by the Town Manager for charitable fundraisers.
* Literature for any political campaign shall not be displayed on Town premises.
* Solicitation and distribution of literature are prohibited during the working time of both the employee making the solicitation or distribution and the employee being solicited. Such working time does not include one’s unpaid meal or break period or other time when the employee is not required to be working.

**USE OF TELEPHONES**

**I. PURPOSE**

To provide employees with a means of communications outside of the workplace without creating disruptions to the working routine.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to place telephones in all Town facilities for reasonable use by employees.

**IV. GUIDELINES**

A. Telephones are placed in all facilities so that employees may complete their assigned duties and communicate with others outside of the Town employment.

B. Phones may occasionally be used for personal calls, as long as their use does not interfere with the effective operation of the employee’s normal daily activities, and lasting no longer than 5 minutes.

C. Employees are encouraged to be considerate of the needs of other employees, therefore limiting their calls to a reasonable duration.

D. Long distance phone calls, both personal and business-related, shall not be made without prior approval of the supervisor. Personal long distance calls shall be restricted to emergency use, and the employee shall reimburse the long distance toll charges.

E. Town Issued / Personal Cellular Phone Safety and Use

The following are the Town’s basic guidelines for proper cell phone use during work hours, to minimize distractions, accidents, and frustrations:

* Never use a cell phone while driving.
* Never use a cell phone while operating equipment.
* Do not use cell phones for surfing the internet or gaming during work hours.
* Avoid using work cell phones for personal tasks.
* Avoid using personal cell phones for work tasks unless you have been given authorization from the Town Manager to do so.
* Do not use cell phones during meetings.
* Do not use cell phones to record confidential information.
* Use cell phones for making or receiving work calls in the appropriate place and situation to do so.
* Use for work-related communication, such as text messaging or emailing, in appropriate places and situations.
* Use to carry out work-related research.

**V. DISCIPLINARY ACTION**

A. Improper use of cell phones may result in disciplinary action. Continued use of cell phones at inappropriate times or in ways that distract from work may lead to having cell phone privileges revoked.

B. Cell phone usage for illegal or dangerous activity, for purposes of harassment, or in ways that violate the Town confidentiality policy may result in employee disciplinary action and/or termination.

C. If an employee loses or damages their Town issued phone, the employee is responsible for reimbursing the Town for the cost of the replacement phone / at the Town Manager’s discretion after review of the circumstances.

**SOCIAL MEDIA POLICY**

**I. PURPOSE**

To define social networking and social media policy and address the fast- changing landscape of the Internet and the way residents communicate and obtain information online.

**II. SCOPE**

This policy applies to all employees and volunteers of the Town.

**III. POLICY**

It is the policy of the Town to have an overriding interest and expectation in deciding what is “spoken” by its employees and volunteers on its behalf on social media sites, according to the guidelines below.

**IV. INTERNAL POLICY GUIDELINES**

**Acceptable Personal Use**

A. All Town employees or volunteers may have personal social networking, Web 2.0 and social media sites. These sites should remain personal in nature and be used to share personal opinions or non-work related information. Employees or volunteers shall not speak on behalf of the Town unless specifically authorized by the Town. Following this principle helps ensure a distinction between sharing personal and Town views.

B. Town employees must never use their Town e-mail account or password in conjunction with a personal social networking, Web 2.0 or social media site.

C. Whether or not you specify on your personal social media accounts that you work for the Town, your employment with the Town is public record. Be mindful that whenever you discuss issues online, whether in a personal or professional capacity, your comments can be tied back to your employment with the Town. Please ensure your profile and related content (even if it is personal and not official in nature) is consistent with how you wish to present yourself as a professional and appropriate with the public trust associated with your position. Have no expectation of privacy. If you are a Town employee or volunteer and decide to have a personal social media, Web 2.0 or social networking site and decide to comment on posts about Town business, you must:

* State your name when discussing Town business; and
* Use a disclaimer to indicate that you do not speak on behalf of the Town such as: “The postings on this site are my own and don’t reflect or represent the opinions of the Town of Patagonia.”

**Acceptable Professional Use**

D. Only individuals authorized by the Town may publish content on a Town Web site or Town social media. All official Town-related communication through social media, Web 2.0 and social networking outlets should remain professional in nature and should always be conducted in accordance with all Town policies. Employees or volunteers must not use official Town social media, Web 2.0, or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private commercial transactions, or to engage in private business activities.

E. Town employees should be mindful that inappropriate usage of official Town social media, Web 2.0 and social networking sites can be grounds for disciplinary action.

F. **Approval and Registration:** All Town social media sites shall be:

* Approved by the person designated by the Town to manage IT (Town IT)
* Published using approved social networking platform and tools;
* Administered by IT or their designee.

G. **Oversight and Enforcement:**  Employees representing the Town through social media outlets or participating in social media features on Town websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is groundsfor revoking the privilege to participate in Town social media sites, blogs, or other social media features and may result in disciplinary action.

H. Information must be presented following professional standards for good grammar, spelling, brevity, clarity, accuracy, and avoid jargon, obscure terminology, or acronyms.

I. Town employees recognize that the content and messages they post on social media websites are public and may be cited as official Town statements. Social media should not be used to circumvent other Town communication policies, including news media policy requirements.

J. Town employees may not publish information on Town social media sites that violates any Town policy or that includes:

* Confidential information;
* Copyright violations;
* Profanity, racist, sexist, or derogatory content or comments;
* Partisan political views; or
* Commercial or political endorsements or SPAM.

K. If any content is posted to the Town social media sites that is in violation of the Town’s External Policy and is therefore subject to removal, the Town authorized user for the site may remove the applicable content but shall immediately notify the Town IT and Town Attorney and shall retain a copy of the removed content.

L. **Records Retention:** Social media sites contain communications sent to or received by the Town and its employees, and such communications may therefore be public records subject to the Arizona Public Records Law and ARS § 41-151.12 with the associated retention schedules. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

**V. EXTERNAL POLICY GUIDELINES**

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

A. **Moderation of Third Party Content:** The Town of Patagonia social media site serves as a *limited public forum* and all content published is subject to monitoring and moderation. The Town reserves the right to delete unacceptable submissions. The following are examples of unacceptable social networking content and comments. The list is not intended to be all-inclusive.

* Profane or obscene language or content;
* Content that is threatening, harassing or discriminatory, including name calling;
* Advertises or promotes a commercial product or service, or solicitations of commerce;
* Infringement on copyrights or trademarks;
* Confidential or sensitive personal information;
* Incites or promotes violence or illegal activities;
* Promotes or endorses political campaigns or candidates; or
* Spam comments, such as the same comment posted repeatedly.

Please note that the opinions and comments expressed on this social media site do not reflect the opinions and positions of the Town of Patagonia.

B. **Public Records Law:** The Town of Patagonia social media sites are subject to applicable public records laws. Any content maintained in a social media format related to Town business, including communication posted by the Town of Patagonia and communication received by citizens, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for social media content.

**PERSONAL FINANCES / GARNISHMENTS**

**I. PURPOSE**

To comply with legal requirements surrounding wage attachments.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

The Town views the attachment of an employee’s wages (garnishment) as a serious matter and encourages employees to make necessary arrangements for payment to creditors, so as to minimize the need for Town assistance in collection and payment of such obligations. When such arrangements are not feasible, the Town shall comply with any requirements as set forth in the court-ordered garnishment.

**IV. GUIDELINES**

A. The Town shall comply with all appropriate Federal and State regulations governing garnishments. Upon receipt of the appropriate writ or order, the employee shall be notified of the garnishment process and amounts that are to be withheld from the paycheck.

B. It is the responsibility of the employee, whenever possible, to attempt to rectify the situation causing garnishment of wages. However, the Town does recognize that some situations require garnishment of wages (i.e., child support), and thus, such a garnishment is not viewed as an unfavorable reflection on the employee.

C. Because such writs, orders or attachments impose an administrative burden on the Town, the Town may seek reimbursement from the employee for costs incurred by the Town, as permitted by law.

**PERSONAL PROPERTY**

**I. PURPOSE**

To protect the Town from liability of loss of employees’ personal belongings.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town that it cannot assume responsibility for the loss or theft of employees’ personal belongings.

**IV. GUIDELINES**

A. Employees shall exercise reasonable care with respect to personal property, including wallets, purses, and other items of personal value.

B. Articles of personal property found on the premises shall be turned into the Administration Office.

C. Employees, who, in the course of performing normal work or while wearing required safety equipment and/or Town provided uniforms or protective clothing, suffer damage to personal property, may be considered for reimbursement by the Town.

D. Reimbursement shall not be made for damage caused by an employee’s own negligence or carelessness, or failure to wear required safety equipment and/or Town-provided uniforms or protective clothing.

**V. PROCEDURE FOR SEEKING REIMBURSEMENT FOR LOSS**

A. In the event that an employee suffers a loss as stated in Guideline “C” above, the employee shall discuss with the supervisor the nature of the loss, the circumstances surrounding it and the reimbursement request.

B. The supervisor shall notify the Town Manager regarding the employee’s request and a determination shall be made as to the dispensation of the request.

**BULLETIN BOARDS**

**I. PURPOSE**

To provide a permanent and official channel of communication to all employees.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

Important Town information shall be displayed on bulletin boards located at strategic points throughout the Town facilities. Information may be of the following types:

* Legally required posters and notices
* Town standards, general rules and regulations
* Safety rules and related information
* Management memos and announcements (including job postings)
* Town-sponsored social and/or recreational events

All employees shall be responsible for regularly checking and reading the bulletin boards and for following the rules, regulations, and instructions posted.

**V. PROCEDURE**

1. The Town Clerk/Deputy Town Clerk shall be responsible for maintaining the orderly appearance of the bulletin boards, posting new information, and removing dated materials.
2. Any employee who wishes to post information on a Town bulletin board shall receive prior approval from the Town Clerk/Deputy Town Clerk.
3. Bulletin Boards shall be maintained in the Administration Office and in each Town facility.

**COMPENSATION ADMINISTRATION**

**I. PURPOSE**

To provide a compensation system that shall provide internal equity and externally competitive wages, while allowing for a career-oriented platform that encourages employee growth and retention.

**II. SCOPE**

This policy applies to all Town employees.

**III. POLICY**

It is the policy of the Town to provide a compensation system that sets forth general guidelines for each position description, along with guidelines to allow for salary adjustments for various circumstances.

**IV. GUIDELINES**

A. Newly hired employees shall be paid what is deemed by the Town to be a competitive rate for the position.

B. Upon appointment to a position, an employee’s position date shall be established, either based upon the original appointment or a promotion or reallocation to a different position within the Town.

C. **Reinstatement** – If an individual who had left the employ of the Town is rehired, the employee may be reinstated to the original position and compensation level (if vacant) within one year. Upon reinstatement, the employee shall serve a six-month probationary period.

D. **Salary Increases** – If performance so warrants, and upon the approval of the Town Manager, an employee shall be eligible for a pay increase. Each employee shall be reviewed at least annually in order to determine the appropriateness, if any, of a salary increase.

E. **Acting, temporary positions** – In the event that an employee temporarily fills an acting position or assumes a temporary assignment for a special need within the Town, the Town Manager may approve a pay adjustment.

F. **Special Merit Increase or Award** – In order to reward outstanding or special performance by an individual employee, the Town Manager has the authority to award a special merit increase (based on written performance reviews that are based upon job description). Any supervisor may make a recommendation to the Town Manager to consider an employee for such an increase. Receipt of such a special merit increase has no impact on one’s position date or eligibility for annual salary increase. Additionally, the Town Manager has the authority to grant a merit bonus award (based on written performance reviews that are based upon job description).

Definition: Merit

The quality of being particularly good or worthy, especially so as to deserve praise or reward.

Judge something on its merits – assess something solely with regard to its intrinsic quality rather than other external factors.

**JOB DESCRIPTION SYSTEM**

**I. PURPOSE**

To provide a system for identifying and clearly describing each position within the Town.

**II. SCOPE**

This policy applies to all positions within the Town.

**III. POLICY**

It is the policy of the Town that, based upon the duties of each position, a Job Description shall be established and maintained for the purposes of allocating title, scope of responsibilities, qualification requirements, and compensation levels for all non-contract positions within the Town.

**IV. GUIDELINES**

A. The Town Manager shall be responsible for the Job Description Plan.

B. All positions shall be analyzed based on the following factors:

* Duties and responsibilities,
* Minimum requirements (education, experience, knowledge, skills, abilities),
* Fitness for duty requirements,
* Competitive salary ranges for similar positions in other agencies.

C. The job description title of a position shall be used in all official personnel and budget records and transactions.

D. A job description shall be established and maintained for each non-contract position for purpose of this policy. The content of such shall be the following:

* Position title
* Summary of duties
* Essential functions of the job
* Minimum qualification requirements

E. The actual job description is not a part of the Policy Manual and is subject to change at the discretion of the Town Manager with approval by the Town Council.

F. The Town Manager may conduct a study of any position to be included in the Job Description Plan. Any amendments to the job description shall be approved by the Town Council.

**EMPLOYMENT CATEGORIES**

**I. PURPOSE**

To help provide guidelines for uniformity and equity in applying personnel policies and benefits.

**II. SCOPE**

These categories and definitions apply to all employees of the Town.

**III. POLICY**

The Town shall maintain standard definitions of employment status and shall classify employees for the purposes of personnel administration and related payroll transactions according to the following definitions.

**IV. DEFINITIONS**

**Exempt –** Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and are exempt from overtime pay requirements.

**Non-Exempt** – Employees whose positions do not meet FLSA exemption tests and are paid a multiple of their hourly wage for overtime worked.

**Regular** – Employees who have successfully completed the six-month probationary period and are employed for an indefinite period.

**Probationary** – Employees who have not yet completed the six-month probationary period.

**Full-Time** – Employees who, on a regular, continuous basis, may be scheduled to work 32 hours per seven-day period.

**Part-Time** – Employees scheduled to work less than 32 hours per seven-day pay period on a regular, continuous basis.

**Temporary** – Employees who are hired or appointed for a specific project for a specific, limited time period.

**TIMEKEEPING REQUIREMENTS**

**I. PURPOSE**

To assure compliance with the timekeeping requirements set forth by the Wage and Hour Division of the Civil Rights Commission.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

In order to maintain accurate time records, all employees are required to complete an individual timesheet on a bi-weekly basis.

**IV. DEFINITIONS: NON-EXEMPT EMPLOYEES**

A. Timesheets cover a two-week period but shall be completed by the employee at the end of each workday, except under the parameters of subsection D.

B. Employees are not permitted to sign in or begin work before their normal starting time or to continue working after their normal ending time without their supervisor’s prior approval.

C. The completion of another employee’s time record or the falsification of any time record is prohibited and may be grounds for disciplinary action, up to and including dismissal.

D. In the event that an employee is out on a paid absence and therefore unable to complete a timesheet, it shall be the responsibility of the supervisor to complete and submit the timesheet for the employee.

**V. PROCEDURE FOR TIMESHEET COMPLETION: NON-EXEMPT EMPLOYEES**

A. Non-exempt personnel shall record their starting time, time out for lunch (or other non-work time), time in from lunch, ending time and total hours worked for each workday.

B. Any absence from regularly scheduled work shall be explained on the timesheet (i.e., sick leave, vacation, jury duty).

C. Authorized overtime shall be identified by the supervisor on the timesheet.

**V. PROCEDURE FOR EXEMPT EMPLOYEES**

A. Those employees who are exempt (according to the Fair Labor Standards Act) are not required to record daily hours but shall submit a timesheet for the pay period. Any exceptions to the regular salary (i.e., holiday, vacation, sick leave) shall be noted.

**ON CALL TIME FOR LAW ENFORCEMENT PERSONNEL**

**I. PURPOSE**

To ensure that an employee who may be required to remain on an “on-call” or “stand-by” status is compensated in accordance with the guidelines set forth by the Fair Labor Standards Act (FLSA).

**II. SCOPE**

This policy applies to those Law Enforcement employees who may be required to perform on-call duty.

**III. POLICY**

It is the policy of the Town to compensate on-call or stand-by time based upon the requirements of the FLSA as noted in the Guidelines below.

**IV. GUIDELINES**

A. The determination as to whether or not the time an employee is on-call needs to be counted as compensable working time, depends upon the employee’s freedom while on-call. If employees must remain on the employer’s premises or so near that they cannot use the time freely, the time is not on-call time, but shall be compensable regular (or overtime if applicable) time. But if employees can come and go freely, even though they must leave a telephone number where they can be reached, carry a duty radio, pager, cellular telephone or other electronic device, the time is not compensable.

B. An employee who has been notified to be on-call and immediately available for a specific period of time and particular purpose shall be eligible to receive on-call pay as specified in the Policy. The location of the employee for on-call duty shall be at the employee’s discretion providing that immediate contact can be made, and that the employee must be able to report fit for duty within one (1) hour unless emergency conditions require a shorter period.

C. In the case of Town Marshal and Deputies (Law Enforcement Personnel), the emergency purpose of their response to calls requires that they be able to report fit for duty within sixty (60) minutes of receiving the call. Accordingly, only those individuals who can report for duty within sixty (60) minutes shall be eligible for on-call duty. While on-call, Town Marshal and Deputies may use the time freely and are not restricted to a specific place or area. However, Town Marshal and Deputies will be compensated for on-call as set forth in section IV. D., below.

D. Law Enforcement Personnel performing on-call duty shall receive compensation as set forth below:

* On-call duty Monday through Saturday shall be paid at one and one-half (1 ½ ) times the employee’s regular hourly rate for the first two (2) hours, and there shall be no additional pay for the rest of the on-call duty shift.
* On-call duty for Sunday or legal holidays shall be paid at one and one-half (1 ½ ) times the employee’s regular hourly rate for the first four (4) hours, and there shall be no additional pay for the rest of that on-call duty shift.
* An employee who is called to report to work during the on-call time shall receive a minimum of two (2) hours of time worked at the rate of pay established above. If an employee is called to perform work for a period in excess of the initial two (2) hours, such time will be counted as hours worked.

E. On-call duty must be included in the regular time sheet submitted by the employee for that pay period and shall be approved and initialed by the employee’s supervisor. If the employee was not reachable at any time during an on-call duty shift, the employee will not be entitled to any compensation for that entire on-duty shift. On-call duty shall be paid with the regular pay schedule immediately following the performance of on-call duty.

**OVERTIME AND COMPENSATORY TIME OFF**

**I. PURPOSE**

To provide guidelines for administration of the overtime pay policy in compliance with applicable Federal and State wage and hour regulations.

**II. SCOPE**

This policy applies to all hourly, non-exempt employees.

**III. POLICY**

The Town may at times require administrative employees to work overtime when deemed necessary by a supervisor. Non-exempt employees shall receive payment for overtime in accordance with the overtime provisions of the Fair Labor Standards Act and the Arizona Revised Statutes.

**IV. DEFINITIONS**

A. Overtime is defined as all work performed in excess of forty (40) hours in the workweek.

B. The overtime rate is defined as one and one-half (1 ½) times the regular hourly rate.

C. ‘Normal working hours’ is defined as employees’ scheduled work time.

D. ‘Emergencies’ are defined as events resulting from human caused or natural disasters, events dispatched through the 911 system where public health and safety are at risk, or events resulting from infrastructure failure that places public health and safety at risk. Department heads or supervisors shall determine if an event meets the definition of an emergency for the purposes of employee compensation and forward a written explanation of the reasons for such determination to the Town Manager for final approval.

**V. GUIDELINES**

A. Prior approval by the individual’s supervisor is required for employees working overtime that is above and beyond the normal work schedule unless the need to work overtime is driven by emergency conditions.

B. Only hours actually worked shall be included in computing the number of hours worked for purposes of the computation of overtime pay. Consistent with FLSA, hours of vacation and sick leave shall not be counted as ‘hours worked’ for the purposes of calculation of overtime.

C. Employees who are required to respond to emergencies outside of normal working hours or while on scheduled vacation leave shall be compensated for each hour worked as a result of the emergency in accordance with Paragraph E., below. Hours worked in response to emergencies shall be clearly indicated as such on the employee’s time sheet.

D. Exempt employees do not receive overtime compensation.

E. Non-exempt employees shall be compensated for each hour worked in excess of forty (40) hours, or for each hour worked in response to a qualifying emergency event, at the rate of one and one-half (1 ½ ) times the regular hourly rate of pay of such employee OR one and one-half

(1 ½) hours of compensatory time off for each hour worked, at the option of the Department Head. No employee shall be allowed to accrue more than eighty (80) hours of compensatory time off.

**WORK SCHEDULES**

**I. PURPOSE**

To designate hours of work and define the workweek so as to remain in compliance with the timekeeping requirements of the Fair Labor Standards Act.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

The Town shall establish work schedules as deemed necessary based upon such factors as workload, customer service need, and the efficient management of employees.

**IV. DEFINITIONS**

The following definitions are provided to ensure proper application of the timekeeping requirements of the Fair Labor Standards Act.

A. The **workday** begins and ends at 12:00 midnight.

B. The **workweek** for the Town is Friday through Thursday, beginning and ending at midnight.

**V. GUIDELINES**

A. Supervisors are entitled to establish schedules, establish lunch breaks, reschedule hours of work and scheduled overtime hours, as deemed necessary with the approval of the Town Manager.

**PAY PERIODS / PAYCHECK DISTRIBUTION**

**I. PURPOSE**

To establish a pay schedule in order to comply with the wage and hour regulations governing payment of wages.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town that wage payments shall be made on a bi-weekly basis (every other week).

**IV. GUIDELINES**

A. The payroll periods at the Town are bi-weekly and paychecks shall be distributed to employees on the Friday following the end of the payroll period. Time sheets shall be turned in on the last day of the payroll period, (Thursday). They must be validated with the employee’s signature, and the Supervisor or Town Manager’s signatures.

B. Each payday, employees shall receive a statement or check stub reflecting gross pay, deductions, and net pay. State, Federal, and Social Security taxes and employee contributions to Town benefit plans shall be automatically deducted. Employee is responsible for verifying all information is correct, and initial time sheet for approval.

C. If the normal payday occurs on a holiday observed by the Town’s Administration Office, employees shall be paid the previous day.

D. An employee paycheck shall be given only to the employee unless prior authorization is provided for it to be given to someone else.

E. If an employee is not at work on the day the check is issued, the check shall be held at the Administration Office.

F. The employee shall report any error with paychecks, within five days from the date of issue, to the immediate supervisor, who shall coordinate with the Administration Office to correct any errors.

**PERFORMANCE REVIEWS**

**I. PURPOSE**

To provide a process by which the job performance of each employee is appraised for the purposes of individual and organizational development and career advancement.

**II. SCOPE**

This policy applies to the performance review of all employees.

**III. POLICY**

The employee performance review process shall be managed to accomplish the following objectives:

A. To provide employees with full and accurate information and feedback concerning their performance.

B. To identify performance elements in which employees do well and those elements that require improvement. To establish plans to correct performance shortcomings and to establish goals for the upcoming work period.

C. To provide employees with the opportunity to ask questions and/or give comments and feedback regarding their overall employment with the Town.

D. To facilitate planning for future training and promotional opportunities.

E. To determine the appropriateness of a pay increase.

**IV. GUIDELINES**

A. **Evaluation Criteria**

* All performance evaluations shall be completed on the approved form.
* The Town’s policies, procedures and directives, shall be used as basic guidelines for performance determination.
* Principal considerations (based upon the job description) within the evaluation may include, but are not limited to: job knowledge, quality and quantity of work, attendance, teamwork, communication, adherence to policies and procedures, ability to execute position responsibilities, etc.

B. **Approvals**

* The Town Manager shall approve all funds to be allocated for pay increases.
* The Town Manager shall approve the performance evaluations as well as the pay increases for the employees.

**V. PROCEDURES FOR PERFORMANCE REVIEW PROCESS**

Each supervisor is responsible for conducting performance reviews for each of their assigned subordinate employees.

A. **Timing**

**Probationary Evaluations**

* All new employees shall receive informal (done orally and in person), monthly performance reviews to ensure that the employee is progressing as expected during the probationary period. The Supervisor/Town Manager shall put a written notation of the conversation in the employee’s personnel file.
* All new employees shall receive a formal, written performance review two weeks prior to completion of the sixth month of employment.
* Newly promoted employees shall receive a formal, written performance review at the time of the promotion and two weeks prior to the completion of their promotional probationary period.

**Other Evaluations**

* Beyond the probationary period, all regular employees shall receive annual reviews during the month of March.
* Special reviews may be conducted at the discretion of the Town Manager.
* Performance reviews may also be required in the following circumstances: Upon transfer, promotion or demotion, upon the granting of a special merit increase or upon termination.
* Supervisors shall put in the employee’s file written notations of all informal oral performance reviews.

B. **Performance Review Administration**

* Administration of the reviews is the responsibility of the supervisor. Supervisors shall prepare the review and forward to the Town Manager for approval at least 14 days in advance of the required evaluation date.
* If an employee is not in agreement with the performance review prepared by his/her supervisor, the employee may appeal the review to the Town Manager/Town Council by following the procedure outlined in the section of this manual beginning on Page 40, and entitled “Complaint/Appeals Procedure”.

C. **Performance Review Discussion**

The supervisor shall hold a discussion with the employee regarding each performance review. The discussion shall be held at a prearranged time in a private location free from interruptions.

D. **Employee Signature**

The employee shall be asked to acknowledge receipt of the evaluation by signing the form. Additionally, the employee may provide comments if so desired. If the employee refuses to sign the form, the supervisor shall write in “Employee Refuses to Sign” and initial and date the form.

E. **Retention of Performance Evaluations**

All probationary and formal evaluations shall be maintained in the employee’s central personnel file.

Note: Employees who fall under the purview of Section 3-1-1 of the Town Code will require Town Council approval for pay increases and performance evaluations.

**PROMOTIONS**

**I. PURPOSE**

To assist and encourage employees to advance in status and position in keeping with their qualifications and experience as opportunities arise.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

In order to allow employees to grow and develop within their career path, the Town shall encourage and assist employees in seeking promotional opportunities as positions arise.

**IV. DEFINITION**

**Promotion** is defined as an advancement of an employee from one position to another position with greater levels of responsibility and pay.

**V. GUIDELINES**

A. All employees are encouraged to seek advancement opportunities and to obtain promotional guidance from their supervisor and the Town Manager.

B. Eligibility for promotion shall be determined by the employee’s ability to meet the requirements of the vacant position. In addition, the employee must have maintained a satisfactory performance record.

C. In screening, testing, and selecting candidates for promotion, management may consider attendance, work history, performance appraisal records, education, attitude, compatibility, responsibility, and any job-related qualifications.

D. Depending upon the nature of the position, the Town may opt to conduct written examinations, skills assessments (practical evaluations), oral interviews, or any combination thereof.

E. If an eligibility list has been previously established for a position and the position becomes available, the Town Manager or designated appointing authority may exercise the “Rule of Three” (as defined in the Recruitment and Selection policy) to determine who shall be offered the position. Accordingly, any of the top three candidates on the eligibility list may be appointed. Any candidate passed over shall be notified in writing within a week of the reasons for the appointment results.

F. If an employee has been placed on an eligibility list, is offered a promotion, and subsequently rejects the promotion, the employee may remain on the eligibility list. If this occurs two times and employee rejects the promotional opportunity, the employee’s name shall be removed from the list.

G. When an employee is promoted to a different position, the employee’s pay may be adjusted at the discretion of the Town Manager. If the employee falls within the purview of Section 3-1-1 of the Town Code, the Town Council will need to approve.

H. Upon promotion, the employee shall be given a revised position date and shall begin serving the six-month promotional probationary period.

**DEMOTIONS**

**I. PURPOSE**

To allow for the option of placing an employee in a position of lower responsibility level and pay if the employee is unable or unwilling to meet the requirements of the current position.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to consider the option of placing an employee in a position of lower status and pay if the employee is no longer suited for the current position or if it is necessary to prevent a layoff.

**IV. DEFINITION**

**Demotion** is defined as the reassignment of an employee to a position of a lower status and pay.

**V. GUIDELINES**

A. An employee may request a demotion if the employee no longer is able or willing to carry out the duties of the current position. In the event that an employee makes such a request, it may only be considered if a position of lower status and pay is available, or if someone in the lower position is eligible and willing to promote. In such a situation, at the discretion of the Town Manager, the employee requesting the demotion may have to participate in the designated selection process.

B. In the event that performance-related issues or disciplinary issues lead to a management decision to relieve the employee of the current duties, demotion may be an option. If such a determination is made, the employee’s pay shall be adjusted at the discretion of the Town Manager.

C. Demotion may be an option exercised to prevent a layoff. In such an instance, the Town Manager may reduce the employee’s rate of pay. In the event that the employee’s previous position reopens, the layoff shall be reversed and the employee’s original rate of pay shall be reinstated.

D. Any employee who is demoted with a reduction in pay shall be notified in writing prior to the effective date. Note: The employee may qualify for a Loudermill hearing.

E. If the demoted employee has achieved regular status in the previous position, the employee shall be entitled to regular status in the position to which the employee has been demoted. Thus, the employee shall not be required to complete a probationary period in the new position.

**GENERAL BENEFITS**

**I. PURPOSE**

To provide a competitive benefit package that complements the compensation package offered to Town employees.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to voluntarily provide benefits of the following type

* Holidays
* Sick Leave
* Vacation
* Leaves of Absence
* Health Insurance
* Disability Insurance
* Uniforms
* Retirement

And any other leave as required by federal or state law.

**HOLIDAYS**

**I. PURPOSE**

To provide a competitive paid time off benefit for recognition of traditional holidays.

**II. SCOPE**

This policy applies to full-time employees.

**III. POLICY**

On the following traditional holidays, the administrative offices will be closed and all eligible employees shall receive holiday pay according to the guidelines below:

* New Year’s Day
* Martin Luther King Day
* President’s Day
* Memorial Day
* Independence Day
* Labor Day
* Veterans Day
* Thanksgiving Day
* Day after Thanksgiving
* Christmas Day

**IV. GUIDELINES**

A. Town-paid holidays which fall on a Saturday will be observed on the preceding Friday; Town-paid holidays which fall on a Sunday will be observed on the following Monday.

B. Full-time employees who are not law enforcement personnel shall receive eight hours (8) of holiday pay in lieu of working.

C. Full-time law enforcement personnel who are required to work on a holiday shall receive compensation at the regular rate of pay for each hour worked on a holiday, in addition to regular holiday pay of eight hours (8).

D. Employees must work or be on paid leave (including vacation or sick leave) the last **scheduled** workday before the holiday and the first **scheduled** workday after the holiday to be paid for the holiday.

E. If a paid holiday falls during an employee’s scheduled vacation or sick leave, the employee will receive holiday pay for that day and his vacation or sick leave bank will not be deducted.

F. **Consistent with FLSA**, **Holiday pay will not be counted as “hours worked” for purposes of calculation of overtime.**

**VACATION**

**I. PURPOSE**

To provide a paid time off benefit that will provide payment for time off for restful break from the work routine.

**II. SCOPE**

This policy applies to all full-time employees who have completed at least six months of service, and all part-time employees who have completed at least six months of service.

**III. POLICY**

The Town will provide vacation leave as follows:

Years of Service Annual Vacation

0 - 1 5 days = 40 hours

2 – 5 10 days = 80 hours

6 – 10 15 days = 120 hours

11 + 20 days = 160 hours

**IV. GUIDELINES**

A. For purposes of this policy, ‘vacation leave’ is defined as use of more than eight (8) hours of accrued vacation time.

B. Employees are required to take their vacation in the Employment Year in which it is earned. It is the employee’s responsibility to monitor their own vacation time availability and usage.

C. **Consistent with FLSA, Vacation hours shall not be counted as “hours worked” for purposes of the calculation of overtime.**

D. Any accrued vacation hours will be paid upon termination of employment.

E. Part-time employees who work in excess of 1040 hours per year are eligible for vacation benefits on a pro-rated basis.

F. Employees who have not yet completed six months of their initial probationary period are not eligible to receive vacation even though it is being accrued.

G. Vacation hours will accrue up to but not exceed 160 hours.

**V. PROCEDURE**

1. **SCHEDULING USE OF VACATION AND COMPENSATORY TIME:**

Any use of vacation or compensatory time must be scheduled in advance by the immediate Supervisor or in his/her absence, the Town Manager.

As a courtesy to the Supervisor/Town Manager, an employee should make the request as least 2 weeks in advance when possible.

B. **MAKE-UP TIME:** The Town has a policy against make-up time and will not substitute make-up time in lieu of other types of leave in this Policy.

C**. WAIVER OF RESTRICTIONS:**

The Town Manager may waive restrictions and limitations on use of vacation, sick leave or compensatory leave when the Manager deems circumstances justify the waiver.

**SICK LEAVE**

**I. PURPOSE**

To provide employees with basic established income continuation in the event of absences due to illness, injury, or a need for medical attention for themselves or their family members that prevents them from attending work.

**II. SCOPE**

This policy applies to all full-time and part-time employees of the Town.

**III. POLICY**

It is the policy of the Town to provide paid sick time (PST) in accordance with the guidelines below and pursuant to Arizona Law.

**IV. GUIDELINES**

1. Full-time and Part-time employees shall accrue 1 hour of sick leave for every 20 hours worked. (4 hours per each 80 hours worked)
2. Overtime hours worked shall not accrue additional paid sick time.
3. Sick leave shall accrue during any approved leave of absence with pay. Sick leave shall not accrue during any leave of absence without pay; suspension without pay, or while an employee is being compensated from Worker’s Compensation funds.
4. Unused earned paid sick time shall carry over year to year, except that there shall be a maximum paid sick time accrual of 360 hours (45 days).

1. Sick leave may be used in one-hour increments for the following purposes:

* An employee’s own mental or physical illness, injury or health condition, or the employee’s need to seek medical diagnosis, treatment, or preventative care;
* Care of a family member’s mental or physical illness, injury or health condition, or the family member’s need to seek medical diagnosis, treatment, or preventative care;
* Closure of the employee’s workplace due to a public health emergency, or an employee’s need to care for a child whose school or place of care has been closed due to a public health emergency;
* When an employee or employee’s family member’s presence in the community may jeopardize the health of others due to exposure or suspected exposure to a communicable disease; and
* Absences due to domestic violence (such as counseling or court matters), sexual violence, abuse, or stalking of an employee or employee’s family member, as these terms are defined by Arizona law, if the leave is to address the psychological, physical, or legal effects on the employee or the employee’s family member.

1. If leave is foreseeable, employees must make a good faith effort to give their immediate supervisor advance notice and schedule their absences in a way that lessens the impact on Town business.
2. In the event that an employee is out on sick leave for three or more consecutive scheduled workdays, the employee shall provide written documentation supporting the reason for using paid sick time, which could include a medical note signed by a health care professional indicating that the use of paid sick time was necessary.
3. **Consistent with FLSA,** **Sick leave shall not be counted as “hours worked” for the purpose of calculation of overtime.**
4. *Sick leave accrual will not be paid out at the point of termination.*
5. Employees are required to wait 90 days from their date of hire before they can use accrued PST.
6. Sick leave shall not be used by employees to work for another entity or person at the times that the sick leave is being taken.
7. Sick leave shall not be charged against an employee’s accrued balance for an authorized holiday that occurs while an employee is using sick leave.
8. An employee using vacation leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.
9. Employees shall follow department notification and absence request procedures for each day that the employee is unable to work. The department head shall waive these procedures in the event that a physician’s statement reflects a specified period of time.
10. Sick leave shall be paid for the actual hours used. Employees shall not be compensated for sick leave hours in excess of their accrued sick leave.
11. Employees who have submitted a notice of intent to resign may not use sick leave during the two weeks prior to their effective resignation date. All PST guidelines will be in effect.

**V. DEFINITION**

**Family member** defined for the sole purposes of Sick Leave is as a spouse or legally registered domestic partner, a grandparent (or person who stood in loco parentis of an employee or his/her spouse or domestic partner), grandchild, sibling, a biological child, adopted child, foster child, stepchild, of the employee or the employee’s spouse or domestic partner, regardless of the age, a child to whom the employee or employee’s spouse or domestic partner stands or stood in loco parentis, regardless of age, and any other individual related by blood or affinity whose close relationship is the equivalent of a family relationship.

**GROUP HEALTH, DENTAL, VISION AND LIFE INSURANCE**

**I. PURPOSE**

To assist employees and their family in providing protection in the event of a need for medical attention.

**II. SCOPE**

This policy applies to all full-time employees who meet the eligibility guidelines below.

**III. POLICY**

It is the policy of the Town to make available group health insurance benefits to full-time employees and their eligible dependents, at a cost shared by the Town and the employee.

**IV. GUIDELINES**

A. Coverage becomes effective on the first day of the month following 90 days of employment as a full-time employee.

B. The Town shall make every effort to pay the premium for the employee coverage. However, the Town reserves the right to determine if it is necessary for the employee to pay a portion of their own coverage, via payroll deduction. Additionally, for any employees electing dependent coverage, the Town Manager/Deputy Town Clerk shall determine what portion of the premium may be deducted from the employee’s paycheck.

C. Coverage under the group health insurance plan will end on the last day of the month in which employment terminates, or at the time one on longer meets eligibility requirements.

D. Detailed information regarding the plan is provided in the plan description materials, available in the Administration office. Employees are encouraged to obtain this information in order to become fully informed of the benefit provisions.

**STATUTORY BENEFITS**

**I. PURPOSE**

To comply with Federal and State laws covering mandated benefits.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

In accordance with State and Federal laws, the Town provides benefits for all employees effective upon the start of employment. These benefits include Social Security (FICA), Workers’ Compensation and Unemployment Insurance.

**IV. GUIDELINES**

A. **Unemployment Insurance –** The laws governing administration of this benefit are controlled by the State of Arizona. If an employee should lose a job with the Town, the individual should notify the local office of the Arizona Department of Economic Security (ADES). Determination of benefits shall be made solely by the State of Arizona, not by any person employed by the Town.

B. **Social Security –** Employees are required by law to have a valid Social Security number and to contribute to the Social Security system. FICA contributions are deducted from each paycheck at a rate fixed by Congress. An equal sum is contributed to each employee’s account by the Town. Both the rate and the taxable wage base change periodically as specified by Federal statutes.

C. **Worker’s Compensation Insurance –** All employees are covered under such policy in the event of a work-related illness or injury. Further details are provided in the policy entitled “Workers’ Compensation”.

**WORKERS’ COMPENSATION**

**I. PURPOSE**

To provide insurance benefits for work-related illness or injury as required by law.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

All employees of the Town are insured and are provided benefits under the Workers’ Compensation Act in the event of work-related injury or illness, and it is Town policy to follow regulatory requirements.

**IV. GUIDELINES**

A. It is the responsibility of both employees and management to comply with occupational safety and health standards, as well as hazard identification and elimination, which are applicable to their own actions and job responsibilities.

B. Employees are required to immediately report (or as soon as reasonably practical) to their supervisor any illness or injury that is attributable to work, regardless of the severity.

C. The Deputy Town Clerk should maintain frequent contact with an injured employee to provide support and encouragement in the recovery process.

D. It is the philosophy of the Town to return injured or ill workers to employment within the Town as soon as they are physically capable of carrying out the duties of the job and are released to return to work by the Town-designated physician. (See Light Duty policy)

E. Any employee who has been absent due to a work-related illness or injury may be required to undergo a Return to Work Examination or a Fitness for Duty Examination through the Town-appointed physician.

F. Workers’ Compensation provides three types of benefits:

1. **Compensation** – When an employee is unable to work due to a disability arising out of employment, the employee is eligible for payments of 66.67% of weekly pay up to a monthly maximum as set forth by State law. For Town personnel, payment begins after a seven-calendar day waiting period. (Note: In determining the date payment begins, the day of the actual injury is not counted in the wait period.) There is no waiting period for emergency response personnel.

2. **Medical Payments** – Payments for medical attention, including hospitalization, doctor’s fees, etc. which are necessitated because of work-related injury or illness are paid in accordance with State law.

3. **Awards** – If temporary or permanent disability results from accident or illness arising out of employment, a further award may be made by the insurance carrier in accordance with State law.

G. In order to prevent an employee from suffering a loss of income due to a work-related injury or illness, the employee may use accrued sick leave or vacation leave in order to make up the difference between the employee’s normal pay and the amount of compensation paid by Workers’ Compensation.

H. While on leave for a work-related illness or injury, the Town will continue to pay the premiums for Town-provided insurance for up to a period of 12 months. Beyond that period, the employee shall be required to pay such premiums or to discontinue coverage.

I. Under some circumstances, the Town may require an injured or ill employee to be seen by a Town-designated medical provider as a condition of filing a Workers’ Compensation claim on behalf of the employee. If such requirement is made and the employee chooses not to be seen by the provider in accordance with this policy, the employee may be denied eligibility for Workers’ Compensation payments.

J. In the event an employee suffers an injury or occupational illness while on the job and leaves work due to such an event, the employee shall be paid for the entire scheduled workday.

K. It is the philosophy of the Town to return injured or ill workers to employment if they are physically capable of carrying out the duties as required by a job analysis and if they are certified as able to return to duty by the Town’s designated physician. Light duty work shall be evaluated by the Town Manager on an individual case basis. Every effort shall be made to return the employee to the pre-injury job, a modified similar job or another position available within the Town.

**V. PROCEDURE FOR FILING A WORKERS’ COMPENSATION CLAIM**

A. The employee is to immediately notify the supervisor (or in the supervisor’s absence, the Town Manager or Deputy Town Clerk) of any work-related illness or injury. The employee and supervisor must both complete and sign a “Supervisor’s Report of Industrial Accident” form and submit it to the Town Manager/Deputy Town Clerk within three calendar days.

B. The employee shall be given a form to present to the individual or facility where the employee is to receive medical treatment.

C. The supervisor shall also complete the “Supervisor’s Investigation” segment of the form as directed in the instructions. The supervisor shall obtain pertinent information about the accident, illness or injury, noting injury details, unsafe acts and conditions, witness statements, and remedies to prevent similar occurrences in the future.

D. The Town Manager/Deputy Town Clerk shall notify the Workers’ Compensation carrier and provide any necessary reports, as required by law.

E. Subsequent to the Town Manager/Deputy Town Clerk filing the claim report, the Workers’ Compensation carrier shall send forms directly to the employee for completion and submission in order to process payments as necessary.

Note: Town-designated physician, Town-appointed physician, and Town-designated medical provider will be the Mariposa Clinic in Patagonia, AZ, unless the circumstance requires otherwise.

**LIGHT DUTY ASSIGNMENT**

**I. PURPOSE**

To allow an employee who has sustained a work-related injury or illness, or who has a medical condition that prevents performance of regular duties, an opportunity to be assigned to a light duty position on a temporary basis.

**II. SCOPE**

This policy applies to all full-time employees of the Town.

**III. POLICY**

It is the policy of the Town to allow employees to apply for light duty assignment in the event that they are unable to perform their regular duties. **When feasible**, and at the discretion of the Town Manager, the employee may be assigned light duty work on a temporary basis.

**IV. GUIDELINES**

A. An employee may apply for light duty status by submitting a written request to the Town Manager for determination of allowance of such assignment. Included in the request shall be:

1. How and when injury or medical condition was sustained.

2. The type of injury or medical condition and expected time of recovery.

3. Documentation from the attending physician recommending a reduced duty status.

B. Light duty assignment shall only be granted with the recommendation of the attending physician.

C. **Light duty assignment shall only be made in the event that there is work** **available**. Such determination shall be made at the discretion of the Town Manager.

D. Employees who have sustained a work-related injury or illness shall be given preference for light duty assignments over employees whose medical condition is not work-related.

E. In the event of a work-related injury or illness, compensation for light duty assignment shall be based upon the terms of the workers’ compensation insurance.

F. In the event of a medical condition that is not work-related, the Town Manager shall determine compensation for light duty assignment.

**FAMILY AND MEDICAL LEAVE ACT**

**I. PURPOSE**

To provide employees with a Leave of Absence for personal or medical reasons, in accordance with the Federal Family and Medical Leave Act (FMLA).

**II. SCOPE**

This policy applies to employees who have been employed by the Town for at least 12 months and have been employed by the Town for at least 1250 hours during the 12 months immediately preceding the commencement of the leave.

**III. POLICY**

In accordance with the FMLA, eligible employees are entitled to up to 12 weeks of leave in a 12-month period for any of the following reasons:

1. The birth, adoption or foster care placement of a child of an employee.

2. A serious health condition of the employee that renders the employee unable to perform the functions of the position.

3. The care of an immediate family member with a serious health condition.

4. Any qualifying urgent need arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

**IV. DEFINITIONS**

A. **Child** is defined as a biological child, an adopted child, a foster child or a stepchild, or a “child” of a person acting in the capacity of a parent, provided that the child is under 18 years of age or 18 years or older but unable to care for himself/herself because of a mental or physical disability.

B. **Immediate Family Member** is defined as a parent, spouse (as defined by state law), or child of the employee.

C. **Serious Health Condition** is defined as an illness, impairment, injury, or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider. In addition, a serious health condition would be any condition that renders the employee unable to perform the functions of the job.

D**. Covered Active Duty** is defined as a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

E. The allowance for 12 weeks in a “12-month Period” shall be measured forward from the first day of the employee’s FMLA leave.

**V. GUIDELINES**

**Eligibility**

A. Eligible employees are defined as listed above in the section **II** entitled “Scope”.

Eligible spouses employed by the Town are entitled to an aggregate total of 12 weeks of leave for the birth, adoption or foster care placement of a child. If the Town employs two individuals who are married, they shall be entitled to a total of 12 weeks for such an event. They shall not each be entitled to 12 weeks for a single such event, rather one can take all 12 weeks or they can split it between them.

B. Entitlement to leave for the birth, adoption or foster care of a child expires after one year.

C. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks of leave during a 12 month period to care for the service member. The leave described in this paragraph shall only be available during a single 12 month period.

**Benefits**

D. Employees shall be required to use any accrued vacation leave at the commencement of the leave. Employees who exhaust their paid leave prior to the end of their leave period shall then be on an unpaid leave.

E. Group insurance benefits shall be provided for the duration of the leave as though the employee were on an active status.

F. Insurance coverage may terminate if the Town learns the employee does not intend to return to work or if the employee does not return to work as scheduled, for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the control of the employee.

G. Accrual of benefits calculations for paid leave shall cease while the employee is on leave and shall resume upon return to active employment.

**Intermittent/Reduced Schedule Leave**

H. Intermittent leave or leave on a reduced schedule may be taken when it is necessary for the employee’s own serious health condition or the care of an immediate family member with a serious health condition.

I. Intermittent leave can be a few hours per day or a day or week off at intervals based on the medical needs. Reduced leave schedule is a schedule that reduces the number of work hours per day or week.

J. Approval for intermittent or reduced leave shall be granted only if deemed necessary by the health care provider. Employees needing this type of leave must attempt to schedule their leave so as to minimize the disruption to Town operations.

K. The Town reserves the right to require an employee to work in a different position or on a different schedule during the intermittent or reduced schedule leave that shall better accommodate the necessities of an employee. The alternative position shall provide the same pay and benefits as the position held prior to commencement of the leave.

L. Leave related to covered acts of duty may be taken intermittently or on a reduced leave schedule.

**Return to Work**

M. Upon returning to work, an employee whose leave was due to a serious health condition shall provide a release to return to work from their health care provider.

N. The employee shall be restored to the same position held before the leave or to an equivalent position with equivalent pay and benefits, unless the employee has been identified as a “key employee,” as defined below Guideline “M-2.”

O. Job restoration may be denied in very limited circumstances:

1. If the Town can prove that an employee would not still be employed even if the leave had not been taken (i.e., layoff or completion of a specific project the employee was hired to work), or

2. If the employee is a “key employee,” defined as a salaried employee amongst the highest paid ten-percent of all employees, provided that the denial is necessary to prevent substantial and grievous economic injury to the Town.

**VI. PROCEDURES**

A. Employees requesting FMLA leave shall complete a “Request for Family Care or Medical Leave” form. In the event of a foreseeable leave, the employee shall provide 30 day notice. If leave is unforeseeable, verbal notice shall be given within two working days of when the employee learns of the need for the leave, and written request shall be submitted as soon as possible. If the date of the birth, placement, or treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

B. The employee who intends to take foreseeable leave based on planned medical treatment shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health provider of the son, daughter, spouse, parent, or covered service member of the employee, as appropriate.

C. If an employee is requesting FMLA leave based upon a serious health condition, the Town shall require appropriate medical certification from the health care provider. The Town requests that the employee submit the certification with their leave request. However, if that is not possible, it shall be submitted no later than 15 days after the leave request. The certification provided shall include the following:

1. The date on which the serious health condition commenced.

2. The probable duration of the condition.

3. The appropriate medical facts within the knowledge of the health care provider regarding the condition.

4. For purposes of leave in order to care of an immediate family member with a serious health condition, a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed to care for them. If the certification is for the intermittent leave or leave on a reduced leave schedule, a statement that the employee’s leave is necessary for the care of the immediate family member who has a serious health condition or assist in their recovery, should supply the expected duration and schedule of the intermittent leave or the reduced leave schedule.

5. For purposes of leave relating to an employee’s serious health condition, a statement that the employee is unable to perform the functions of the position of the employee.

6. For purposes of intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

In addition, the Town may request periodic, updated certification during the leave at intervals not less than 30 days.

D. If the Town has any reason to doubt the validity of the medical certification, it may require, at Town expense, the opinion of a second health care provider of its choice. If the two opinions differ, the Town may require, at its expense, a third opinion (by mutually agreed upon provider), which shall be final and binding. Refusal to submit to second or third opinion examinations shall result in denial of the leave request.

E. Prior to returning to work, the employee shall contact the immediate supervisor to provide notification of intent to return to work and to determine when to report for duty.

F. Upon return to work, an employee whose leave was due to the employee’s own serious health condition shall provide a physician’s release to return to work. Failure to provide the release may result in a delay in the employee’s return to work.

**BEREAVEMENT LEAVE**

**I. PURPOSE**

To establish guidelines for leave of absence for critical situations such as the death of a member of one’s immediate family.

**II. SCOPE**

This policy applies to all full-time and part-time employees.

**III. POLICY**

In the event of a death of a member of an employee’s immediate family, the employee may be granted up to three (3) consecutive calendar days of leave.

**IV. DEFINITION**

For purposes of this policy, “immediate family” member will include spouse, children, sibling, parent, grandparent, grandchild, stepparent, stepsibling, stepchild, mother-in-law or father-in-law.

**V. GUIDELINES**

The following guidelines will apply to emergency leave situations:

A. The Town Manager will provide authorization of Bereavement Leave and the employee may choose to use accrued vacation time or compensatory time, if available. Any approved Bereavement Leave will not be compensated by the Town.

**JURY DUTY / COURT APPEARANCE**

**I. PURPOSE**

To establish guidelines for paid leave of absence while on jury duty or for purposes of mandated court appearance.

**II. SCOPE**

This policy applies to all employees.

**III. POLICY**

In order to remove some of the financial burden inherent in serving on jury duty, eligible employees ordered to jury duty shall be compensated on the basis of the difference between the pay received for such duty and the employee’s regular base pay. Town-related court appearances or witness appearance in a criminal case shall be similarly compensated, as noted in the Guidelines below.

**IV. GUIDELINES**

A. Employees are eligible to receive up to eight hours per day of jury duty compensation through the first five days of jury duty.

B. When an employee is released from jury duty by the court more than two hours prior to the end of the normal workday, the employee shall return to work for the remainder of the day.

C. Hours paid as jury duty pay shall be considered as “hours worked” for the purposes of calculation of overtime.

D. In the event that an employee receives a subpoena to appear in court for business related to official duties for the Town or as a witness in a criminal case, the employee’s presence in court shall be considered time worked and the employee shall be compensated at the normal rate of pay.

E. In the event that an employee requires time off for legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking, the absence from work shall be charged to sick leave. If the employee runs out of sick leave hours, the absence from work shall be charged to leave without pay, or, at the employee’s request, vacation leave or compensatory time.

**V. PROCEDURE**

A. The employee is required to notify the immediate supervisor upon receipt of jury duty or court summons.

B. The employee serving on jury duty shall submit all jury duty fees to the Town Manager, except for any travel expenses.

C. The Town shall compensate the employee according to the Guidelines above.

**MILITARY LEAVE OF ABSENCE**

**I. PURPOSE**

To enable employees to satisfy their military service obligations.

**II. SCOPE**

This policy applies to all employees.

**III. POLICY**

Any eligible employee required to attend military leave - active duty, inactive duty training, funeral honors duty, or engaging in field or coast defense training as a Reserve of the armed forces or member of the National Guard, shall be entitled to a military leave from the employee’s duties without loss of pay, position or service, evaluation rating, benefit accrual or other Town-provided benefits.

**IV. GUIDELINES**

A. Military leave shall be granted for military duty required in order to meet obligations. Military leave accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

B. Military leave shall not exceed 22 workdays in a calendar year. Military leave may be taken in increments of one hour at a time.

C. Military leave may be granted for emergency duty, as ordered by the President or Governor.

D. The employee shall return to the regular position upon return from Military Leave.

E. In order that the employee fulfilling the military obligation does not suffer a loss of income, the Town shall compensate the employee for the difference between the employee’s normal rate of pay and that pay received for the military service. It is the responsibility of the employee to coordinate with the Town Manager for arrangement of pay during the military leave period.

F. Additionally, in the event of an employee entering full-time military service during:

(a) a war or period of national emergency, or

(b) a period of national conscription, or

(c) a period when the U.S. Armed Forces are serving upon an order or request of the United Nations,

The employee shall be eligible for a military leave without pay. In the event of such an unpaid leave, the employee shall not be entitled to all of the benefits provided during active employment (see “Personal Leave of Absence” policy, Guidelines IV, D-E). Upon return to active employment, reinstatement of position and benefits shall be afforded as required by law.

**V. PROCEDURE**

A. The employee shall notify the immediate supervisor upon receipt of military orders to report to duty. The employee should submit a copy of the military orders immediately upon receipt. The Town Manager shall review and grant approval for the military leave.

B. Upon return to work, the employee shall submit a certificate of satisfactory completion of service.

**PERSONAL LEAVE OF ABSENCE**

**I. PURPOSE**

To provide employees with time off to attend to personal needs in the event that extenuating circumstances deem it necessary to be away from work for an extended period of time.

**II. SCOPE**

This policy applies to all non-probationary employees of the Town.

**III. POLICY**

It is the policy of the Town to provide leaves of absence to employees needing extended time away from work when possible to do so without disruption to Town operations.

**IV. GUIDELINES**

A. An employee requesting a Personal Leave shall submit the request to the immediate supervisor, who shall receive final approval from the Town Manager.

B. Personal Leave of Absence shall be without pay.

C. Personal Leave may be granted to an employee for a period of up to six months. Such a leave may be granted on an individual case basis and may be granted if the Town’s business operations are not severely disrupted.

D. All paid leave benefits (vacation, sick leave or holidays) shall cease to accrue during the unpaid Personal Leave.

E. Those insurance benefits provided by the Town shall continue up to the end of the calendar month of the Personal Leave of Absence. Continued coverage beyond that month shall require the employee to pay the insurance premiums.

F. Upon completion of the Personal Leave of Absence, the Town shall place the employee in either the former position or a position comparable in statue, pay, and benefits, subject to budgetary restrictions, the Town’s need to fill vacancies, and the ability of the Town to find qualified temporary replacements.

G. In order to return to work, the employee shall be able to prove that all certifications and skills are still satisfactory for the position.

H. The time spent on an unpaid Personal Leave of Absence shall not be counted toward credited service for purposes of determination of seniority within the Town.

**V. PROCEDURE**

A. An employee requesting a Personal Leave of Absence shall submit a written request as far in advance as possible. A minimum of 30 days in advance is required for non-emergency, foreseeable events. The request for the leave shall include the starting date of the requested leave, a reasonable explanation of the circumstances surrounding the leave, and the probable date of return.

B. If a leave is necessitated by an emergency and prior written request is not possible, the employee or a member of the immediate family shall notify the Town as soon as is practical and the employee shall follow up with a written request within three working days.

**COMPULSORY LEAVE OF ABSENCE**

**I. PURPOSE**

To provide a means for the Town Manager to exercise discretion in determining instances in which it is not in the best interest of the Town to allow an employee to be on active employment status.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to provide Compulsory Leave of Absence to an employee whom the Town Manager believes should not be on active employment for reasons outlined in the Guidelines below.

**IV. GUIDELINES**

A. In the event an employee appears to be unable to perform the job duties due to illness or injury, the Town Manager may place the employee on Compulsory Leave of Absence pending submission to a medical evaluation by the Town-designated physician. Pending the outcome of the medical evaluation, the employee shall continue to receive normal compensation and benefits. Once the determination is made as to whether or not the employee is fit for active employment, the employee shall either be returned to duty or be subject to sick leave.

B. In the event that an employee has been formally charged with the commission of a felony, or with a misdemeanor relating to the employee’s employment status, the Town Manager may place the employee on Compulsory Leave of Absence without pay pending investigation by the Town.

C. Additionally, the Town Manager has the discretion to place an employee on Special Leave in the event of any circumstances the Town Manager deems appropriate. Such a leave shall entitle the employee to continuation of all normal compensation and benefits.

D. Upon the Town’s completing its investigation, the Town Manager shall determine appropriate action to be taken. Such action may be the return of the employee to the position, with all or reduced salary and benefits, or appropriate disciplinary action, up to and including termination.

Note: “However, a non-probationary employee may be entitled to a Loudermill hearing prior to being placed on Compulsory Leave of Absence.”

E. All paid leave benefits (vacation, sick leave or holidays) shall cease to accrue during the unpaid Compulsory Leave.

F. Group health, dental and vision insurance benefits provided by the Town shall continue during the paid Compulsory Leave of Absence.

G. In order to return to work, the employee shall prove that all certifications and skills are still satisfactory for the position.

H. If disciplinary action is taken due to the Town’s investigation, the time spent on an unpaid Compulsory Leave of Absence shall not be counted toward credited service for purposes of determination of seniority within the Town.

**EDUCATIONAL ASSISTANCE**

**I. PURPOSE**

To assist employees in obtaining additional education or training to increase their competence in their present position and to prepare them for advancement within the Town.

**II. SCOPE**

This policy applies to all employees of the Town.

**III. POLICY**

It is the policy of the Town to encourage professional development for employees by providing assistance with educational expenses.

**IV. GUIDELINES**

A. Employees wishing to enroll in job related seminars or training courses shall submit a request to their supervisor, who will submit it to the Town Manager, at least two weeks prior to the class date. The Town Manager shall consider requests for educational assistance, following the same procedure outlined in these guidelines.

B. The Town Manager shall consider each request for educational assistance on an individual basis, evaluating such factors including, but not limited to, the nature of the course, the benefits to be derived by the employee and the Town, the costs involved, and the level of responsibility of the employee.

C. In the event that approval is granted for an out-of-town course, mileage and related travel expenses shall be reimbursed upon submission of receipts with a *Demand* form.

D. Employees who elect to further themselves by pursuing a college education are strongly encouraged to do so. Successful completion of job-related training and education may entitle the employee to some level of reimbursement of the tuition and textbooks for college courses.

E. The Town Manager shall determine which specific courses shall be approved for tuition reimbursement.

F. Any employee who has requested educational assistance shall repay the Town all tuition and other expenses related to the educational activity upon voluntary separation from the Town within 12 months of completion of the course or training.

**TRAUMATIC EVENT COUNSELING FOR POLICE OFFICERS**

**I. PURPOSE**

To provide licensed counseling visits for police officers who are exposed to a traumatic event.

**II. SCOPE**

This policy applies to all law enforcement employees.

**III. POLICY**

It is the policy of the Town to provide up to twelve licensed counseling visits, which may be provided via telemedicine, for police officers who are exposed to a traumatic event as outlined in the Definition below.

**IV**. **DEFINITION**

A. Visually witnessing the death or maiming or visually witnessing the immediate aftermath of such a death or maiming of one or more human beings.

B. Responding to or being directly involved in a criminal investigation of an offense involving a dangerous crime against children as defined in

A.R.S. § 13-705.

C. Requiring rescue in the line of duty where one’s life was endangered.

D. Using deadly force or being subjected to deadly force in the line of duty, regardless of whether the peace officer was physically injured.

E. Witnessing the death of another peace officer while engaged in the line of duty.

F. Responding to or being directly involved in an investigation regarding the drowning of near drowning of a child.

**V. GUIDELINES**

A. Only doctors who can provide the best treatment, psychologists and psychiatrists with training in treating trauma are acceptable.

B. The Town does not require the employee to use accrued paid vacation, personal leave, or paid sick leave to attend the counseling visits.

C. If the licensed mental health professional determines that the peace officer needs additional visits of licensed counseling beyond the 12 visits the officer was originally entitled to, the Town will pay for up to an additional twenty-four visits.

D. If the licensed mental health professional determines the officer is not fit for duty while receiving treatment, the Town shall ensure that the peace officer has no loss of pay and benefits for up to thirty calendar days after that determination (assuming light duty is not an option).