

City of Somerton
Personnel Policy Handbook 2020

City of Somerton Personnel Policy Handbook 2020



- Res. No. 2019-021 Dated November 19, 2019, effective January 1st, 2020 adopting new handbook.
- Res. No. 2020-005 Dated May 5, 2020, effective May 5, 2020, amending 806, adding 209 and 717.
- Res. No. 2020-021 Dated November 17, 2020, effective November 17, 2020, amending 802.

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WELCOME

We want to welcome you to City of Somerton. We are glad to have you as a part of our staff, and are dedicated to providing the best possible city services at the most economical cost to the public. It is our privilege to have you join our team to contribute to this work. No matter what your job is, it is important in helping the City of Somerton meet its goal of providing the best city services possible.

Our team of employees must develop and maintain a reputation for maintaining a warm, friendly and professional atmosphere that the public appreciates and everyone enjoys working in. Each of us must, through constant effort, be professional, helpful, practice understanding, patience, kindness, and have a real concern for helping and serving others.

Developed in this handbook are the rules and policies, which apply to each employee of the City of Somerton. It sets forth your privileges and your responsibilities as a member of the team. We hope it will answer all questions you have regarding this relationship. If it does not, please ask your supervisor.

We sincerely hope that you will find satisfaction and enjoyment in your work and that your employment will be a long and rewarding one. We want you to be glad and proud that you work for the City of Somerton.

Sincerely,

Jerry Cabrera
City Manager



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Article I - GENERAL INFORMATION AND PROVISIONS

Section 101 - Purpose

The general purpose of the City of Somerton Personnel Policy is to establish a system of personnel administration to assist the City organization in its role of serving the citizens of Somerton. This system provides the means to recruit, select, develop and maintain an effective and responsive work force, and includes policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, leaving the City service, fringe benefits, leaves, discipline and other related activities.

It is the desire of the Mayor and City Council of the City of Somerton to attract qualified and competent persons to positions in the City service. Appointments and promotions in the City service are to be based on factors of qualification, competence and suitability. While this Personnel Policy provides a basic guide to personnel-related activities of the City, it is recognized that administrative directives, departmental work rules and other policies and guidelines are promulgated from time to time as necessary to supplement this document. To the extent that any of these guidelines or work rules conflict with this handbook, this handbook shall govern. The City Manager is the final authority on all matters relating to this policy.

The Personnel Policy Handbook will be reviewed by the City Manager and the City Council periodically. Additions and deletions may be made at the time; however, should problems or questions arise pertaining to personnel, any direction or decision given by the City Manager shall be considered as binding as the handbook until such time as the handbook is updated. The City reserves the right to modify or change the handbook at any time. If there are questions concerning rules or regulations, either explicit or implied, employees should consult their department director or Human Resources for clarification.

Section 102 – Personnel Policy Handbook Not A Contract

The Personnel Policy Handbook is not a contract of employment, and shall not be construed as an intent by the City to be contractually bound, but rather, shall be construed as an intent by the City not to be contractually bound. The City reserves the right to modify or rescind any or all of the provisions of this Policy without prior notice and without reservation of the effect of any or all provisions of a previous form.

Section 103 - Equal Opportunity Employment

The City of Somerton is an Equal Opportunity Employer. It is the policy of the City of Somerton not to discriminate in decisions regarding hiring, promotion, or discipline, on the basis of age, sex, race, color, national origin, religion, disability, or any other federal, state, or locally

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protected class. The City of Somerton shall provide the same quality of service to all patrons, businesses, customers or clients regardless of sex, race, religion, color, national origin, age, disability, or any other protected characteristic set forth in federal, state, or local law.

Section 104 - Classified and Unclassified Service

Employees in the City service are divided into the classified and unclassified service. The classified service is composed of all employees and officers of the City of Somerton except:

- A. Any City officers directly appointed by the City Council;
- B. Temporary employees;
- C. Initial probationary period employees;
- D. Part-time, on-call employees who work no set minimum number of hours, namely Part-Time Fire Department personnel (which includes Part-Time Firefighter and Part-Time Fire Engineer), Part-Time Police Services, and others who may be so employed and designated from time to time.

Unclassified employees are at-will employees; i.e. unclassified employees under "A" above serve at the pleasure of the City Council, those under B, C, and D above serve at the pleasure of the City Manager. Although the City Manager may develop and implement policies to provide a framework for conditions of employment, pay and benefit issues, etc., for those included in B, C, and D above, their employment will remain at-will pursuant to this policy. "At-will" means that the City or the employee can terminate the employment relationship for any reason or for no reason at all.

Elected officials, members of appointed boards, commissions, committees and volunteer personnel are not considered to be employees of the City of Somerton for the purposes of this policy.

Section 105 – Human Resources

The Human Resources department for the City of Somerton shall be responsible for the administration of the personnel system of the City, and who shall:

1. Administer the provisions of this Personnel Policy not specifically reserved to the City Council or City Manager and make such administrative regulations as are deemed necessary to implement and carry out the personnel function of the City and this policy.
2. Give notice of position openings within the City service.
3. Conduct applicant testing as appropriate.
4. Recommend to the City Manager revisions and amendments to the Personnel Policy as deemed necessary.
5. Recommend to the City Manager a position classification plan, including class specifications, and recommend revisions to the plan as deemed necessary.
6. Recommend to the City Manager a compensation plan for all position classifications in the City service, and recommend revisions to the plan as deemed

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necessary.

7. Allocate each position in the City service to its appropriate class in the classification plan and assign each class to an appropriate salary in the salary plan.
8. Develop and assist others in the development of training programs for City employees.

Section 106 - Affirmative Action

Human Resources may develop and implement an informational program designed to inform the general public and specific groups and organizations of the non-discriminatory policies and practices of the City of Somerton.

Section 107 - Positions Covered

These rules shall cover all employees of the City unless otherwise exempted in these rules.

ARTICLE II - EMPLOYEE RESPONSIBILITIES

Section 201 - Political Activity

No person employed by the City shall orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any City employee.

No City employee shall make, solicit or receive any contribution to the campaign effort in any way of any candidate for Somerton municipal elected office or take any part in the political campaign of any such candidate, but may exercise any other rights as a qualified elector, such as signing nomination papers of candidates and voting in municipal elections.

No elected official appointed official or employee of the City shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either directly or indirectly, for any political campaign or personal gain. No elected official appointed official or employee of the City shall use or attempt to use any political influence to secure or assist any other employee in securing employment or any employment benefit or advantage.

Any City employee desiring to run for county, state or federal office must take a leave of absence without pay (subject to the provisions of Article VIII, Section 812) upon filing for said office and if elected, shall resign from the City service. The foregoing shall not apply to school board elections or elections to serve on a precinct committee. Any employee desiring to run for a City elected office shall resign from the City service upon filing for such office.

Section 202 - Nepotism

- A. **Relationship to supervisor.** An individual shall not be appointed or promoted to a position if the immediate supervisor of the individual is related within the 3rd degree of affinity (marriage) or consanguinity (blood). For the purpose of this Section, persons related by blood

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or marriage within the 3rd degree include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, niece, or nephew. As stated in this section, all relationships acquired by marriage or affinity to the 3rd degree include but are not limited to sister-in-law, brother-in-law, father-in-law, and mother-in-law.

- B. Relatives within same department.** An individual shall not be employed to a City Department if the individual is related within the 1st degree of consanguinity (blood) or affinity (marriage) to another individual currently employed in that department. For the purposes of this policy, a first-degree relative is defined as a close blood relative or relative by law which includes the individual's spouse, parents/step-parents, full siblings/step-siblings, or children/step-children.
- C. Grandfathering Provision.** This policy is inapplicable to employees already employed prior to the effective date of this policy (June 6, 2018).

Should a marriage result in two employees being in violation of Section B, one employee must resign or transfer in the City service (if possible) so as to eliminate the situation.

No provision of this rule shall exclude relatives of the City Council or City appointed boards or commissions or committees from entering the City service, provided the terms of this section are met.

Section 203 - Gifts/Gratuities

No employee shall solicit directly or indirectly any gratuity, regardless of value. No employee shall accept directly or indirectly any gratuity, regardless of value, that is offered based on an understanding that a vote, official action or judgment of the employee would be influenced. City employees may accept gratuities without regard to value when they are offered and accepted on behalf of the City. The gift then remains the property of the City and should not be removed from City facilities. Employees may accept admission to events, regardless of value, to which they are invited in their official representative capacity for the City. However, the employee must make appropriate disclosure to his/her supervisor.

No person or employee who seeks appointment or promotion with respect to any City position or appointive office shall directly or indirectly give, render or pay any money, service or other valuable item to any person for or in connection with a test, evaluation, appointment, proposed appointment, promotion or proposed promotion. Any person or employee so described above may automatically be disqualified for employment or dismissed from employment if the act involves a promotion.

Section 204 - Conflict of Interest

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It is the City's policy that employees at all levels be free from any interest, influence or relationship that might conflict or appear to conflict with the best interests of the City. The existence of an actual or potential conflict of interest depends on specific facts. In any uncertain situation, the employee should protect him/herself by immediately discussing the matter fully and frankly with the appropriate supervisor. Where there is any further doubt concerning a conflict, the specific facts should be noted in writing and sent to Human Resources for resolution. The continuing requirement to disclose serves to inform the City and, at the same time, protect the employee from the harmful effects of any subsequent revelation of activities, associations or interests which might constitute a prohibited conflict of interest.

Section 205 - Outside Employment

Outside employment (that is, employees working for others or for him/herself during non-work time) is not prohibited, but is regulated by a few important rules. A City employee may not engage in outside employment in any way during working hours, while at City facilities or using City supplies, equipment, materials or personnel. Outside employment must not cause a conflict of interest or cause deterioration in satisfactory performance of duties while in the City's employ.

City employees must obtain prior written approval from their department director and the City Manager to engage in outside employment.

Employees who have accepted approved outside employment are not eligible to receive compensation during an absence from work which is the result of an injury on the second job, except through Personal Time Off. Accommodation of any limitations which may arise from an injury occurring during outside employment shall be made in accordance with the requirements of the Americans With Disabilities Act.

Section 206 - Weapons In The Workplace

City employees shall not have in their possession any handgun, firearm or other weapon, regardless of whether or not the employee is licensed to carry the weapon, except as provided in A.R.S. § 12-781. This provision does not apply to sworn police personnel or other authorized individuals who carry weapons in the performance of their duties, pocket knives, or similar kinds of knives. While some employees of the City may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or be permitted to carry them as authorized by law, it is the City's policy that employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

Section 207 - Workplace Violence

The City of Somerton recognizes workplace violence is a growing problem that needs to be addressed by all employers. Therefore, acts or threats of physical violence involving employees, including intimidation, harassment and/or coercion, will not be tolerated in the workplace. Threats or acts of violence include conduct against persons or property that is sufficiently severe,

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offensive or intimidating to alter the employment conditions at the City of Somerton, or to create a hostile, abusive or intimidating work environment for one or more City employees.

General examples of prohibited workplace violence include, but are not limited to, threats or acts of violence occurring on City property, threats or acts of violence not occurring on City property but involving someone acting in the capacity of a representative of the City, and threats or acts of violence not occurring on City property involving a City employee if the threats or acts of violence affect the legitimate interests of the City of Somerton.

Specific examples of prohibited conduct include, but are not limited to, hitting or shoving an individual; threatening to harm an individual or his/her family, friends, associates or their property; making harassing or threatening telephone calls, using letters or other forms of written or electronic communications; intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City; or conducting harassing surveillance (also known as stalking).

City employees are encouraged to report incidents of threats or acts of violence of which he/she is aware, to his/her immediate supervisor. In situations where reporting to the immediate supervisor is not appropriate, the employee should report such incidents to his/her department director and/or Human Resources.

Section 208 – Professional Attire/Appearance

The professional image of our organization is maintained, in part, by the image that our employees present to our citizens, vendors and other visitors. All employees should practice common sense rules for neatness, good taste and comfort. Specific rules about grooming and/or dress may be adopted by departments, divisions or work groups due to the nature of the work of the employees in those units. However, in general, rings/hoops/studs through the nose, eyebrow, tongue or other exposed body parts (other than the ear lobe) may not be worn while working. And in general, all tattoos must be covered at all times.

Section 209 – Access and Identification Badges

The City of Somerton is committed to providing a safe work environment for both employees and members of the public. Proper issuance and display of identification badges is one way to create a safer work environment within the City.

All employees shall possess a City Employee Identification Badge during their employment with the City. The badge shall be worn and visibly displayed during all work hours, with the exceptions of certain law enforcement individuals or when the badge creates a safety hazard or risk. Employees are not required to wear the badge while attending training, meetings, conferences, etc. outside the City. When the badge is unable to be displayed due to safety, there is an expectation for it to be readily accessible. All badges must be obtained through the Human

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Resources Department. New employees will be photographed, and issued a badge at orientation as part of the onboarding process. Employees who promote, transfer, demote, or have a change in position shall obtain a new badge as soon as practicable.

In addition to providing identification, the badge will also serve as an access card to designated areas. Embedded on the badge will be unique codes to provide access to certain city departments and buildings through keyless entry. Key card access to areas and/or buildings for each individual will be determined by their department head. Because the badge allows access to particular doors, employees must safeguard their badge and not lend the badge to any other person for any reason. Lost, misplaced or stolen identification badges must be reported to the employee's supervisor immediately.

Identification badges will only be re-issued if the badge is lost, stolen, damaged or malfunctioning. Identification badges will be replaced at no cost if damaged, stolen or malfunctioning. Employees who have a name change, or who change positions and/or City departments will be issued a new badge upon providing documentation of that change. Lost identification badges or those deliberately damaged or damaged through negligence will be replaced once at no cost and at the direct cost to the employee after that. Employees may not attach any foreign object to the identification badge. Doing so will result in the required issuance of a new identification badge at the direct cost to the employee.

Fraudulent use of identification badges will result in disciplinary action. Fraudulent use includes using or permitting the use of a badge by a person other than the individual to whom it was issued. Employees are not authorized to use the identification badge outside the scope of work. Employees shall accompany all their customers, clients, visitors or other non-badge holding individuals at all times if within the controlled access portion of any building or facility.

Employee identification badges are considered City property and must be returned directly to the employee's department head upon resignation or termination of employment. Employees who are on disciplinary leave must turn in their badge to their supervisor prior to the beginning of the leave.

ARTICLE III - RECRUITMENT AND SELECTION

Section 301 – Application for Employment

All applicants for City employment shall make application as specified by or on forms provided by the City. The application is to include complete, truthful information relating to experience, training, residence, and other necessary qualification information.

1. Failure to accurately and truthfully complete all sections of the application for employment form shall be reason for disqualification. Incomplete applications may

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be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

2. Application forms, when submitted, shall become the property of the Human Resources Department and shall not be returned.
3. The applicant's application resume and any other supporting information regarding the applicant should be kept confidential, except when required by law to produce the information. References or other persons with information about the applicant may be consulted concerning an applicant's qualifications and experience as represented by the applicant.

The Human Resources department may reject any application which indicates that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant has made any misstatement of any material fact or has practiced any deception or fraud in his/her application.

Section 302 – Employment Eligibility and Recruitment

Employment vacancies should be filled by appointment from open, competitive eligibility lists; except that interdepartmental transfers may be allowed without opening the vacancy to the general public with approval of the Human Resources department and City Manager. Posting job openings on the City bulletin board in the City offices, on the City's website, and/or publication by newspaper or other published advertisement shall be sufficient posting for all employment vacancies.

Section 303 -- Examinations

Open competition shall be the method of examination and selection for employment with the City. The selection technique used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Human Resources department and/or the responsible department director, will maximize reliability, objectivity, and validity through a practical and normally multi-part evaluation of applicant attributes necessary for successful job performance and career development.

Section 304 – Background Investigations

In order to verify the qualifications and backgrounds of individuals before being hired into positions at the City of Somerton, Human Resources may request pre-employment background investigations on final candidate(s) applying for positions that fall into one or more of the following categories. This also applies to any "volunteer" positions that may fall into one of below categories.

Financial
Children and Vulnerable Adult(s)

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Supervisory

Fire

Custodians

Court Clerks

Contract Employees (Currently Three (3) positions, City Manager, City Attorney and City Magistrate)

Police Personnel are subject to a separate background investigation

At the request of the Human Resources, a background investigation will be performed by the City of Somerton Police Department. Job postings for positions subject to background investigations will contain notification to applicants that, prior to hiring, the final candidate must successfully pass a pre-employment background investigation.

Section 305 - Promotional Opportunities

Promotional opportunities shall be made known to City employees through the distribution of position announcements and/or other appropriate means. Qualified City employees may submit applications for consideration for promotional opportunities. Except as otherwise approved by the City Manager, only City employees who have completed the initial probationary period may be considered for promotion.

Section 306 - Employment Lists

When the recruitment testing and interview process has been completed for a position, a certification list shall be maintained which shall note the person(s) to be hired for the vacancy and other candidates deemed to be qualified to be hired for future vacancies. Normally, applications shall remain in effect for one year and may be used for position openings in classifications with similar duties and responsibilities.

ARTICLE IV - PROBATION

Section 401 - Period of Initial Probation

Every classified employee shall work satisfactorily for a period of probation in order to satisfy the requirements for regular employment in the City service. The period of probation shall consist of six months of work, except that in the case of police officers, firefighters and public safety dispatchers who shall serve an initial probationary period of twelve months. The probationary period may be extended for one 90-day period at the request of the department director and upon approval of the City Manager.

Time taken on sick leave, approved leave without pay or leave as a result of a worker's compensation claim not in excess of 30 calendar days shall be included as creditable time to the probationary employee. The probationary period will be extended one (1) day for each day in excess of 30 days.

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Section 402 - Appointment Following Probationary Period

Prior to the end of the probationary period, the department director shall submit to Human Resources a performance review of the probationary employee. A satisfactory performance review and affirmative recommendation by the department director, with approval of the City Manager, shall confirm a probationer to regular status with the City. The employee remains in probationary status until he/she receives approval of the City Manager.

Section 403 - Rejection of Probationary Period Employee

During the initial probationary period, an employee may be dismissed at any time without notice, without cause and without the right of appeal.

Section 404 - Promotion/Transfer Probationary Period

When an employee is promoted or is voluntarily transferred, that employee shall serve a new probationary period in the new position of six months, during which time the employee returns to at-will status. Prior to the end of the six-month period, the Department Director shall submit to Human Resources a performance review of the promoted/transferred employee. An employee who has been promoted or transferred and is given an unsatisfactory evaluation at the end of the promotion/transfer probationary period may have his/her probationary period extended up to 90 days, may be returned to his/her former position or another similar position if vacant, or may be dismissed from employment. The decision whether to extend the probationary period, return the employee to the former position, or dismiss him/her from employment is wholly within the discretion of the City and not subject to any grievance or appeal process.

Section 405 - Special Review Period

An employee may be placed in a special review period at any time when the performance of the employee falls below acceptable levels. The normal term of a special review period shall be 60 days; a written evaluation and/or report are to be done at the end of this period to document the results of the special review period. Should the problems with an employee's performance not be corrected during this period, other action may be taken as provided in these rules.

ARTICLE V- PERFORMANCE EVALUATIONS

Section 501 - Purpose

The purpose of the performance evaluation system is to formally evaluate the performance of employees in the accomplishment of their assigned duties and responsibilities, to set and measure progress towards the achievement of goals and objectives and to assist in targeting training and/or educational needs.

Section 502 - Administration

Human Resources shall administer the performance evaluation system, subject to the direction of the City Manager. Performance reviews shall be conducted just prior to the end of the initial probationary period and promotional/transfer probationary period. Additionally, the City aspires

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to conduct annual performance reviews, prior to May 30 of each year and whenever the department director, Human Resources department, or City Manager so requires.

The performance reviews shall be documented on forms developed by Human Resources. The rating authority shall be that person who directly supervises the work of the employee being rated. The reviewing authority shall be the department director but the function of review may be delegated to any other supervisor by direction. Each employee shall have an opportunity to review the rating with their supervisor. The City Manager may direct Human Resources to investigate the accuracy of ratings. Completed performance rating forms shall be submitted in a timely manner to Human Resources who shall file each form in the employee's personnel file.

Section 504 - Special Merit Increase

Under unusual circumstances and upon the recommendation of the department director, an employee may be granted a special merit increase by the City Manager in recognition of outstanding, exceptional and meritorious service.

ARTICLE VI - PROMOTION, TRANSFER AND DEMOTION

Section 601 - Promotion

Insofar as consistent with the best interest of the City, vacancies in the City service shall be filled by promotion from within, after consideration is given to all interested, qualified employees, and all else considered equal. Promotional opportunities are open to employees who have completed the initial probationary period and who meet the additional job requirements, except as may be approved by the City Manager.

Section 602 - Transfer

With the approval of both department directors involved and the City Manager, an employee may be transferred from a position in one department to a position with the same salary in another department.

Section 603 - Demotion

A demotion may either be voluntary or involuntary, as approved by the City Manager. A demotion occurs when an employee is moved to a classification assigned to a lower salary than that currently held by the employee.

ARTICLE VII - CLASSIFICATION, COMPENSATION AND BENEFITS

Section 701 - Position Classification Plan

The Human Resources department shall ascertain and record the duties and responsibilities of all positions in the classified service and, after consultation with the directors of departments affected, shall develop "job descriptions" for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specifications including job titles.

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The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class and the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The plan shall be amended from time to time as the duties, responsibilities and employment conditions change.

All employees are classified in one of the categories listed below. Employees should know their classification in order to understand which benefits apply to them.

Probationary: All employees, whether full-time or part-time, are considered to be in a probationary status during their first six (6) months of employment. Some police and fire positions may require a 12-month probationary period. Your probationary period is to help you adjust to your new position, to determine whether employment with the City suits you, and to determine your suitability for the job.

Full Time: Employees who have successfully completed the initial probationary period and are normally scheduled to work thirty-two (32) hours or more per week.

Part-Time: Employees who have successfully completed the initial probationary period and are normally scheduled less than an average of thirty-two (32) hours per week.

Contract: City officers appointed by the City Council under contract.

Volunteer: Persons who are performing volunteer work at no expense to the city. Volunteers are provided Workman's Compensation if hurt or injured while on the job. These persons are identified as "reserves" if volunteering for the police department.

Temporary: Employees who are employed for a short or finite period (not to exceed ninety (90) days) where there is no intention by the City to provide further employment status. Temporary employees are eligible for the following benefits only; Social Security, Worker's Compensation, Unemployment Insurance, and overtime pay or compensation time when appropriate.

Employees are cautioned to consult with their supervisor about any change in employee status. For employees to move from one status to another they must meet certain standards. (i.e., to go from part-time to full-time not only must they normally be scheduled (32) thirty-two hours or more per week, but there must also be a full-time position (or FTE equivalent) available, and an Hourly Payroll Authorization form completed by their supervisor and approved by the City Manager showing the change).

Section 702 - Maintaining the Classification Plan

The purpose of the classification plan is to describe the duties and qualifications of each personnel position, through the use of a job description. Similar positions are grouped in a "class." Each class is assigned a starting salary base. The proper relationships (pay and supervisory) between positions then can be better defined. An employee's classification shall change when he/she is promoted or transferred to a position in another class or when the position he/she occupied is reclassified due to a change in the nature or scope of work.

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Human Resources is responsible to maintain the classification plan. The City Manager is assigned the responsibility to review and recommend to the Council any changes to the classification plan annually prior to or at budget review time.

Human Resources shall study the duties and responsibilities of each new position as it is created and based on the study and in coordination with the supervisor concerned, and shall put each position into its appropriate class.

All changes in duties and responsibilities of any position involving either the addition of new assignments or the taking away or modification of existing ones shall be documented and reported to Human Resources. Human Resources shall review all changes proposed and if they are permanent and warrant reclassification, shall do a reclassification study and place the position in its appropriate class.

Section 703 - Class Specifications

Human Resources shall maintain copies of current specifications (job descriptions) for all classifications in the classification plan. When a new classification is created or when a current classification is determined to be obsolete, the classification plan shall be amended accordingly.

Section 704 - Reclassifications

When the scope of the duties and responsibilities of a position have changed materially so as to necessitate reclassification, such position shall be analyzed by Human Resources and recommendations submitted to the City Manager to reclassify the position to a more appropriate class (if justified), whether new or existing. An employee may initiate a classification review through the department director.

Section 705 – Starting Salary Plan

Human Resources or another designated person shall prepare a starting salary plan covering all positions listed in the Classification Plan. The starting salary plan will be approved on an annual basis by the City Council as part of the budget adoption process. In arriving at starting salary rates, the prevailing rate of pay shall be calculated as 80% of the minimum starting salary for a similarly classified position listed on the City of Yuma classification plan in effect at the time. Calculation of Department Head starting salary rates shall take into consideration the prevailing rate of pay for comparable work, the City's projected financial condition, and any other relevant factors.

Section 706 - Salary Ranges

Each classification shall be assigned a starting salary that through the application of other provisions of this policy is deemed appropriate. Each employee may exceed the starting salary on the basis of performance, cost of living, and number of years employed. Salary increases shall be subject to the recommendation by the employee's department director through the formal performance evaluation system, budget approval, and approval of the City Manager.

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Cost of living adjustments (“COLA”) will be based upon an assessment of the City’s job market and in concert with budgetary restrictions. Any COLA granted should be applied to all salaries within the structure. All COLA require approval by the City Council. COLA will be effective for all personnel on the first pay period in July following approval of the annual budget by the City Council.

Section 707 - Merit Increases

City employees shall be eligible for consideration for merit pay increases based on performance, up to the maximum annual increase as approved by City Council in each 12-month period of service after completion of the initial probationary period to be granted on the performance date based on the performance evaluation, if the employee did not receive the maximum salary

increase as previously approved by City Council. Such increases shall not be automatic but shall depend on increased service value of an employee to the City as exemplified by the recommendation of the supervisor, performance record, and special training undertaken or other pertinent evidence. City employees may also be eligible for consideration for merit pay increases at other times as may be approved by the City Manager.

Section 708 – Salary Adjustments

When it is determined that the starting salary assigned to a particular classification is no longer appropriate due to changes in market conditions or duties and responsibilities of the classification, Human Resources shall conduct a review of the salary assigned to the particular classification. If it is determined that the salary assigned to the classification is either too high or too low, Human Resources shall make a recommendation for change to the City Manager and if approved by City Council, the classification shall be changed to the recommended pay range. Affected employees shall not have their current salary adjusted downward but could be increased to the new salary rate as determined by Human Resources.

Section 709 – Longevity Adjustment Plan

There will be a 2.5% pay adjustment beginning each Fiscal Year for all personnel who have reached the following plateaus:

- Employed 5 years as of anniversary of hire date
- Employed 10 years as of anniversary of hire date
- Employed 15 years as of anniversary of hire date
- Continuing in 5-year increments

Every city employee who reaches the above described plateaus will receive this adjustment; this would occur every five (5) years and is intended to recognize employees for their years of service.

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The salary adjustments would occur beginning with the approved Pay Period for the Fiscal Year in which July falls. All salary increases are contingent upon budget approval.

Section 710 - Temporary Assignments

Upon the recommendation of the department director and approval of the City Manager, an employee may be assigned on a temporary basis to a position in a classification of a higher pay range, either in the employee's department or another department. For such temporary assignments which are intended to be more than a few weeks in duration, the employee may be compensated at a higher rate of pay during the assignment as may be approved by the City Manager. The City Manager may assign an employee to work in his/her classification in a different department on a temporary basis as deemed necessary.

Any employee assigned to department director position for more than four (4) full pay periods will be compensated at the designated salary for said position.

Section 711 - Overtime Policy

Overtime is defined as time worked in excess of the normally designated work period. It is the policy of the City of Somerton to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements, and supervisory personnel are responsible for the advance planning required to minimize the need for overtime. Necessary overtime shall be authorized by the appropriate supervisor prior to being worked. Compensation for overtime worked, whether through cash payment or the use of compensatory time off in lieu of cash payment, shall be made in accordance with applicable Federal regulations. Overtime shall be calculated to the nearest one-quarter hour of time worked. Refusal of an employee to work overtime when requested, without good cause, may be cause for disciplinary action.

Compensable overtime is time worked by an employee in excess of forty (40) hours per week. Fire and Ambulance personnel are based on a two hundred and twelve (212) hours worked in a twenty-eight (28) day cycle. These provisions will cover all employees in non-exempt positions.

Every effort will be made by the employee's supervisor to have the employee take off sufficient time during the week to offset any accrual of overtime during that week, thus restricting the need for compensable overtime to unusual circumstances where no provision for using time accrued that week can be made. Good prior planning by supervisory and management personnel will in most cases eliminate the need for overtime. Supervisory personnel are responsible to schedule their employees and work in such a manner so as to eliminate the need for overtime, except for emergencies beyond their control. Supervisors will be evaluated in their work areas for this item and will be held accountable for excessive overtime accrual by their employees.

Compensation for overtime will be earned at the rate of one and one half (1 1/2) hours for each hour worked above forty (40) hours (Fire and Ambulance personnel have different hours as

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previously noted) in any one (1) week period. Employees' signature having read understood and agreement to these policies is evidence of their agreement to this provision.

Compensatory time accrued should be used within a reasonable time - 1 to 60 days generally after it has been accrued. At no time will an employee have an accrual amount of compensatory time greater than one hundred and twenty (120) hours. All overtime worked in excess of 120 hours must be paid in cash at time and half. Any compensatory time accrued by an employee in excess of one hundred and twenty (120) hours will be cashed down to the 120 hours based on his/her current salary, or at the discretion of the Department Director, Management has the authority to require employees to use their compensatory.

Employees terminating employment with the City, that are in a non-exempt status may be required to take accrued compensatory time, or the City if not requiring employees to take compensatory time may pay out the compensatory time to the employee.

Section 712 - Call-Back Policy

The callback procedure is established to provide for emergency situations where it is determined that additional assistance is required, resulting in an employee being called into duty outside of his/her normal working hours.

Stand-by or on-call personnel for emergency services (other than Fire or Police) may be paid an additional sum as approved by the department director and city manager. The employee shall also be paid overtime for any hours worked over 40 hours per week. Department Heads are responsible to maintain an on-call or stand-by schedule for employees, with copies to Administration and the Police Department on a timely basis. At present the only department authorized an on-call person shall be Public Works. Other Department Heads must have the written approval of the City Manager to implement this provision.

Employees scheduled or assigned to on-call or stand-by duties are responsible to be available when called. The following minimum guidelines shall apply with additional requirements being set by the appropriate Department Head.

1. Employees shall be assigned to on-call or stand-by for a period of one week.
2. Employees on-call or stand-by are to remain sober and not partake in alcohol or other substances of a like nature.
3. Employees shall keep the Police Dispatcher notified at all times as to their location and a telephone number where they can be reached.
4. Employees must be able to respond to calls within a twenty (20) minute time period.
5. The on-call or stand-by duty shall be regularly rotated among all qualified employees of the department concerned.
6. Employees on-call or stand-by duty who fail to keep the dispatcher informed of location and telephone number, fail to respond to a call, or is under the influence

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when called out shall not receive on-call or stand-by pay for that week and will be considered for appropriate or necessary disciplinary action.

7. Department Heads are required to strictly enforce these guidelines and policies.

Section 713 - Clothing Allowances, Uniforms and Expense Reimbursement

Required uniforms will be provided by the City through the annual budget process. Any additional clothing allowances and uniform privileges shall be approved by the City Manager. The City Manager shall have the authority to establish administrative regulations providing for the reimbursement to employees of necessary expense incurred while engaged in City business including approved travel and conference expenses as well as automobile allowances.

Section 714 - Other Benefits

City employees shall receive additional benefits as approved by the City Manager and (as appropriate) the City Council, or as might be mandated by law.

Section 715 - Compensation for training and certification for increased skill levels

It is the desire of the City of Somerton to have all employees better themselves personally and professionally in the form of added training, education, and the attainment of other skills where appropriate. Employees are encouraged, but in most instances, not required to attain education and certification of added skills and knowledge in their respective job categories.

There are two classes of certification as determined by the City Manager. One is a Primary Certification; the other is a Secondary Certification. A Primary Certification is defined as the education and certification required in a job description as being an integral part of the position qualification. This certification shall be issued by a state or nationally recognized organization. A Secondary Certification is defined as education or training that enhances an employee's skill level and knowledge in their field.

The following Employees are eligible for pay increases upon completion of, and attainment of a Primary Certification:

Firefighters

Upon approval of the Fire Chief, eligible firefighters may take the State/National certification tests. Upon successfully obtaining Certified Emergency Paramedic (CEP) certification the firefighter shall receive a corresponding salary increase to the starting salary listed in the Classification Plan & Starting Salary or \$2,400, whichever is greater.

Maintaining status as a certified Paramedic requires continuing education and the observance of satisfactory performance levels. Failure to maintain State/National certification of Paramedic shall result in the reduction of the pay increase (\$2,400) previously awarded.

Public Works water and wastewater operators

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Upon approval of the Public Works Director, eligible employees may take State of Arizona Water and Wastewater exams to become certified operators in the following fields:

Water Treatment	Grade 1,2,3,4
Water Distribution	Grade 1,2,3,4
Wastewater Treatment	Grade 1,2,3,4
Wastewater Collection	Grade 1,2,3,4

Grade 1 is the entry level for these fields, with Grade 4 being the highest level achieved.

Upon obtaining State of Arizona certification of grades 1, 2 and 3 in any of these fields, the employee shall receive a salary increase to the starting salary listed in the Classification Plan & Starting Salary for that Grade. The Public Works Director has determined that the City will compensate no more than a total of five Grade 3 positions for the Public Works Department.

Upon prior approval from the Public Works Director, the employee shall be reimbursed for registration, issuance and renewal fees, travel expenses and meals for the initial exam in any given field or grade. If a passing grade is not obtained, the employee may continue to take the exam at the employee's own expense. Upon obtaining a passing grade, the employee shall be reimbursed for those authorized and approved expenses outlined above.

Community Development

Upon approval of the Community Development Director, eligible employees may take exams to become certified in the following fields:

ICC Building Inspector - Residential
ICC Permit Technician

Upon approval of either the Public Works or the Parks & Recreation Director, eligible employees may take exams for a Commercial Drivers License.

Upon obtaining certification in any of the above-mentioned Primary Certifications, the employee shall receive a salary increase to the starting salary listed in the Classification Plan & Starting Salary for that position.

Secondary Certifications

Upon approval of a Department Director, the following Employees are eligible for pay increases upon completion of, and attainment of a Secondary Certification:

The following list is not all inclusive and is presented only as examples of possible areas of secondary certifications:

ICC Building Inspector- Commercial	Arborist
ICC Property Maintenance Inspector	Pool Maintenance
ICC Plans Examiner	

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Any employee shall be eligible for a percentage increase in salary upon obtaining certification or completion of an approved course related to their field of employment. The percentage is to be determined by a Department Director with approval of the City Manager prior to obtaining the certification.

Section 716 – Supplemental Benefits Plan for Public Safety Officers

- A. Purpose. The purpose of this Supplemental Benefits Plan for Public Safety Employees (“Plan”) is for the City to satisfy the requirements of A.R.S. § 38-961 (“SBP Statute”). The SBP Statute requires a political subdivision of the State of Arizona to establish a supplemental benefits plan for its public safety employees who satisfy certain eligibility criteria. The Plan shall be effective from and after August 2, 2012, and shall continue for the minimum period it is required to be maintained by the SBP Statute, unless extended by an amendment to the Plan made pursuant to D.9 below.
- B. Eligibility. An employee of the City shall be eligible to participate in the Plan, and to continue participating in the Plan, only if and for so long as the employee satisfies all of the following criteria (“Participant”), namely, the employee shall:
1. Be employed full-time by the City at the time of injury and be a member of the Public Safety Personnel Retirement System at the time of the injury;
 2. Be injured while on duty and be unable by reason thereof to perform the functions of his or her position;
 3. Be eligible for workers’ compensation benefits pursuant to A.R.S. § 23-1021;
 4. Be receiving workers’ compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1041 and related statutes and provide evidence thereof to the City;
 5. Request in writing, submitted to the Personnel Director, supplemental benefits under the Plan within thirty (30) days after receiving his or her first payment of workers’ compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1041;
 6. Participate in all risk management activities related to the employee’s workers’ compensation injury, including evaluation for light duty assignment and rehabilitation programs;
 7. Be physically unable to return to work in the employee’s position or to perform services for the City in any capacity, including alternative work assignments or light duty to which the employee is assigned by the City, and such inability is established by appropriate medical documentation from either (i) an independent medical exam ordered by the City directly or through its workers’ compensation

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insurance provider or (ii) the employee's physician, whichever is selected by the City;

8. Remain a full-time employee of the City during the time period the employee is receiving benefits under the Plan;
 9. Be injured in a manner that is not caused by, and is not subsequently made worse or the employee reinjured by, either (A) the employee's gross negligence or (B) an unapproved activity regardless of whether a physical fitness activity and regardless of whether performed during or outside of work hours; and
 10. Follow all other City policies and procedures for requesting benefits as outlined in the Plan or as adopted by the City from time to time.
- C. Benefits. The following benefits will be provided by the City to the eligible Participant commencing on the date the employee receives his or her first payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1041 and continuing for up to, but not in excess of, six (6) months, but in any case only for so long as such eligibility criteria continue to be satisfied:
1. Payment on the City's regular payroll payment dates of an amount equal to the excess, if any, of (i) the Participant's base salary at the time of the injury over (ii) the sum of (A) the workers' compensation benefits paid to the Participant pursuant to A.R.S. § 23-1041 and related statutes and (B) all taxes the Participant was having withheld from his or her base salary at the time of the injury, and (C) all deductions, including voluntary deductions, from the Participant's base salary at the time of the injury.
 2. Continued payment of the employer portion for health care benefits paid by the City at the time of the injury. The Participant continues to be responsible for paying the same portion of his or her health care benefits as he or she was paying at the time of the injury and for any optional health related deductions and any optional life insurance deductions.
 3. Payment of both the employer and the employee contributions to the Public Safety Personnel Retirement System that were being paid at the time of the injury;
 4. Receive credit for service in the Public Safety Personnel Retirement System at the same accrual rate as was in effect at the time of the injury; and
 5. All accrued and unused balances of sick leave, vacation leave, and personal time off at the time of the injury, if any, will not be decreased; provided, however, the Participant will not accrue any additional sick leave, vacation leave, and personal time off while the Participant is receiving benefits under the Plan.

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If and to the extent a Participant's base salary is increased or any of the applicable benefits are modified while the Participant is receiving benefits under the Plan, the benefits provided to the Participant hereunder shall be adjusted accordingly. For example, if all employees are provided automatic base salary increases as part of an annual process, the Participant will receive benefits under the Plan based on his or her new base salary. Such adjustments may or may not be beneficial to the Participant under C.2 through C.5. For example, if the City adjusts downward its contribution for health care premiums, the Participant would be required to pay the additional premiums in the same manner as other similarly situated employees.

- D. Procedures. The Plan will be operated in accordance with the following policies and procedures and such additional policies and procedures as the City may adopt from time to time.
1. The City will appoint a person to act as the Plan administrator, who may be removed and replaced by the City in its sole discretion. The Plan administrator will receive requests for benefits under the Plan in writing on a form provided by the City from the employee. The request for benefits must address each of the eligibility criteria set forth above and must be received by the City within thirty (30) days after the employee's receipt of his or her first lost-time wage replacement benefit paid under workers' compensation. The employee's failure to deliver a complete and timely request for benefits shall be conclusively deemed to be a waiver of any rights to the benefits provided by the Plan.
 2. The employee also must provide to the City any other information reasonably requested by the City to determine the employee's initial eligibility and thereafter continued eligibility for benefits under the Plan, including without limitation required medical documentation.
 3. The City will review and investigate the employee's written request for benefits, the circumstances surrounding the employee's injury, the employee's eligibility for and receipt of workers' compensation benefits, and any other factors the City deems relevant. The City will provide to the employee a written determination of the employee's eligibility for benefits under the Plan within thirty (30) calendar days after the City's receipt of the employee's timely and complete request for benefits.
 4. An employee who requests and a Participant who receives benefits under the Plan shall cooperate fully with the City and with all other persons working to coordinate benefits hereunder.
 5. If an employee is denied participation in the Plan, the employee has a right to appeal the City's decision. The exclusive appeal process is as follows:

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- (a) The employee shall deliver to the City Manager's office, within ten (10) business days after the date the employee received the City's letter denying benefits, a written appeal stating the reasons for the appeal and the facts supporting the employee's position.
 - (b) The City Manager will consider the appeal and any other information the City Manager might request from the Plan administrator and will send to the employee a written opinion affirming or denying eligibility within ten (10) business days after the City Manager receives the employee's timely and complete appeal.
 - (c) If the City Manager is also the Plan administrator, the appeal instead will be delivered to and decided by the City Council. Provided, however, the City Council shall have thirty (30) business days to render a written opinion on the appeal.
 - (d) A "business day" means each day on which City Hall offices are open to the general public.
- 6. A Participant's eligibility or receipt of benefits under the Plan shall not preclude the City from taking disciplinary action, including termination, respecting the Participant. Nothing in the Plan gives to any Participant any right to continued employment with the City.
 - 7. The Plan does not supersede any contract or any other plan or policy of the City that provides for greater benefits than are provided hereunder.
 - 8. A Participant has no right or power to sell, assign, pledge or otherwise transfer any benefits provided under the Plan.
 - 9. The City may amend or modify the Plan in whole or part from time to time so long as the amendment or modification is consistent with the SBP Statute. The City may terminate the Plan if and when permitted under the SBP Statute.

Section 717 – Tuition Reimbursement Program

Eligible employees are encouraged to attend internal and external training and education and development programs to develop and strengthen the knowledge and skills necessary to perform their current or anticipated job responsibilities within the City. The intent of this policy is to help employees learn, change and improve, while strengthening the City's ability to attract and retain highly qualified employees.

Eligible Employees must be classified regular full time and meet the following criteria:

- 1. One year of continuous service with the City of Somerton;
- 2. Not be on original probation or disciplinary status;

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3. Received at least an “Average” or equivalent rating on their most recent performance evaluation;
4. Receive a grade of “C” or, “Pass” or better on any class submitted for reimbursement;
5. Is not eligible and capable of utilizing the “HOPE” credit per IRS code;
6. Continue employment with the City of Somerton for a period of one year from the receipt of each reimbursement
7. All courses of study and related coursework must be taken during off duty time unless otherwise approved by the Department Director. Department Directors may approve flexible schedules that allow employees to make up work-time at alternate hours within the same pay period based on the impact to the department operations.

Eligible Courses are defined as:

1. Scheduled class meetings or on-line instruction for a quarter or semester period;
2. Provided by an accredited institution, such as a state college or university, or community college in regular or extension programs. “Accreditation” is defined as approved by the United States Department of Education on their Database of Accredited Postsecondary Institutions and Programs (DAPIP) found at <http://ope.ed.gov/accreditation/Search.aspx>.
3. Specialized instruction approved by the department head and the Human Resources Department.
4. Course(s) previously taken that have already been reimbursed for under the City’s Tuition Reimbursement Program or certifications under Section 715 are not eligible courses under this section.

Reimbursement is defined as up to \$2,500 per calendar year (\$1,250 for January through June and \$1,250 for July through December) for tuition, books, and fees and is paid for expenses pre-approved by the Department Head and Human Resources, subject to an amount appropriated by the Somerton City Council in its annual budget for this purpose, and on file in the Human Resources office when the employee submits an official grade report that the course was satisfactorily completed with a grade of “C” or better, or “Pass.” Reimbursement requests must be submitted to Human Resources no later than 45 days after the last day of class. Failure to submit all documentation within 45 days after the last class may result in denial of reimbursement.

The tuition reimbursement application and all documentation shall be documented on forms developed by Human Resources who shall then transmit all documentation to the Finance Department for payment within 30 days of receipt in Human Resources. Applications are accepted and processed on a first come, first served basis until the appropriated amount has been exhausted for a calendar year. Reimbursement payments will be processed through the normal payroll cycle and may be subject to taxation in accordance with federal and state taxation regulations.

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Employees are responsible for:

1. Submitting in advance appropriate documentation to and obtaining prior approval of their department head;
2. A properly completed tuition reimbursement application form and providing a degree or vocational plan from an accredited college or university prior to beginning the course;
3. A properly completed check requisition form to accounts payable upon completion of the course;
4. Full payment of all costs to the institution or course provider; and,
5. Providing their written acknowledgement of and their compliance with the provisions of the tuition reimbursement policy and agreement.

The resignation or termination of an employee prior to the completion of a course, regardless of reason, shall automatically terminate the eligibility for education assistance. Employees who experience a lay-off from employment will receive reimbursement only for those classes that were started prior to the date of the lay-off. Employees who leave the City prior to one year from the completion date of any course(s) taken shall be required to repay the City for the course(s) reimbursed within the past twelve (12) months. An approved leave with pay or without pay does not affect eligibility for enrollment in the Tuition Reimbursement Program for courses that were started prior to the first day of leave. Courses started during a leave of absence are not eligible for reimbursement.

ARTICLE VIII – PERSONAL TIME OFF/EXTENDED ILLNESS BANK (LEAVE)

Section 801 - Holidays

The following days have been established as paid holidays for City employees:

New Year's Day
M.L. King Jr. Birthday (3rd Monday in January)
President's Day (3rd Monday in February)
Cesar Chavez Day (Observed on Friday of the last full week in March)
Good Friday (Half day – afternoon)
Memorial Day (Last Monday in May)
Independence Day
Labor Day (1st Monday in September)
Veteran's Day (November 11th)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving
½ Day Christmas Eve if Christmas lands on a weekday
Christmas Day
Other days as may be set by the City Council

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When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed, except for Fire Department employees working 24-hour shifts, for whom the Independence Day holiday shall be observed on July 4 of each year and the Christmas Day holiday shall be observed on December 25 of each year.

In the event a city holiday falls within a vacation period, such holidays shall not be charged as personal time off.

Employees, except members of the police and fire departments which are staffed on a 24-hour basis, shall not be required to be on duty on holidays unless the employee's service is needed and required in the interest of public health, safety or general welfare. Should a holiday fall on an employee's regularly scheduled day off, every effort should be made to give the employee a regular work day off to compensate. Where that is not possible or practical, employees may be paid holiday pay.

Section 802 – Personal Time Off (PTO) (Vacation/Sick Leave)

Personal Time Off (PTO) is provided on a bi-weekly basis to employees of the City on the following accrual schedule:

REGULAR CITY EMPLOYEES

ALL EMPLOYEES EXCEPT FIRE SERVICE EMPLOYEES WORKING 24-HOUR SHIFTS:

0 through 5 years of service.....4.62 hours per pay period
6 through 10 years of service.....6.15 hours per pay period
11 or more years of service.....7.69 hours per pay period

FIRE SERVICE EMPLOYEES WORKING 24-HOUR SHIFTS:

0 through 5 years of service.....6.34 hours per pay period
6 through 10 years of service.....8.45 hours per pay period
11 or more years of service.....10.56 hours per pay period

Upon completion of the initial six-month probationary period (or six months of service in the case of public safety employees serving a one-year probationary period), Personal Time Off may be taken subject to available accrued leave. Employees who work less than full time but more than 1,664 hours per year shall accrue PTO on a prorated basis as determined by Human Resources.

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The City Manager may grant certain exceptions to the provisions of this policy upon written request from any eligible employee to take PTO.

Accrued Personal Time Off may be carried over from year to year, subject to an accrual limitation of a maximum of four hundred (400) hours except for fire personnel who may accrue up to five hundred fifty (550) hours. Upon reaching the maximum hours, the accruals will cease until the employee has reduced accrued hours below the maximum levels. Holidays are not counted toward vacation days.

Employees who have satisfactorily completed the initial probationary period and who terminate employment shall be paid a lump sum for accrued PTO based on the following schedule:

7 Months – 2 years	80%
3 – 5 Years	85%
6 – 8 Years	90%
9 – 10 Years	95%
11 or more years	100%

PTO shall be scheduled by the department with due regard to the requirements for service delivery and the employee's wishes. Requests for PTO shall be made by the employee far enough in advance to allow planning for the absence. PTO leave will not be used in any manner which generates paid hours in excess of the normal workweek.

PART-TIME, TEMPORARY, AND ON-CALL EMPLOYEES

Part-time, temporary, and on-call employees shall accrue one hour of PTO for every 30 hours worked. Accrued personal time off may be carried over from year to year subject to an accrual limitation of a maximum of 40 hours. Accrual begins on the date of appointment; however, part-time, temporary and on-call employees may not use PTO for the first 90 days of employment. Any accrued, unused PTO, up to 40 hours at the end of the fiscal year shall be rolled over to the following year subject to the accrual limitation. Part-time, temporary, and on-call employees may only use 40 hours of PTO per fiscal year. Part-time, temporary, and on-call employees who have satisfactorily completed the initial probationary and who terminate employment shall be paid a lump sum for accrued PTO based on the schedule for regular employees.

Section 803 – Extended Illness Bank (EIB) (Sick Leave)

Sick leave with pay is granted to all probationary and regular employees in the City service and will be taken as Personal Time Off, but not temporary employees and regular part-time employees working less than 1,664 hours per year.

The extended illness bank (EIB) is to supplement income for a catastrophic event. Two (2) hours per pay period will be credited to the employee's EIB. A maximum of four hundred eighty (480) hours will be accrued, except for fire personnel who can accrue up to six hundred forty eight (648) hours.

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EIB may be used in the case of illness, or injury suffered by an employee or for an employee's immediate family member's (spouse, child) illness, injury, or death.

EIB will not be used in any manner which generates paid hours in excess of the normal workweek.

EIB credits may be used after forty (40) consecutive work hours of incapacitation, except for fire personnel/ Fire personnel may use EIB credits after forty eight (48) consecutive work hours of incapacitation. A physicians' statement must accompany the "Request for Leave Form" and filed with Human resources. The Department Director has full authority to approve or deny the request for EIB credits.

Under no circumstances can EIB credits be used for illness or injury incurred while employed by someone other than the City of Somerton.

EIB credits may be used to supplement Worker's Compensation payments up to 100% of net bi-weekly salary. This benefit would be paid after forty (40) consecutive work hours had been reached or forty-eight (48) consecutive work hours for fire personnel.

Employees who work less than full time but more than 1,664 hours per year shall accrue EIB on a prorated basis as determined by Human Resources. EIB shall not be considered a right but rather is a privilege and shall be allowed only in case of actual personal sickness or disability, or as otherwise provided in this section. Upon separation from the City employees will not be paid for unused accrued EIB.

Misuse or abuse of EIB is cause for disciplinary action as provided in these rules.

In order to receive compensation while absent, the employee shall notify the appropriate supervisor prior to or within one hour of the normal starting time for the employee. Failure to do so will result in the employee being considered absent without approved leave. *When absence is for three working days or less, the employee may be required to file a physician's certificate stating the cause of the absence and approving the employee's return to work.* For all sick leave absences of three working days or more, the employee shall provide written documentation from the treating physician giving reason for the absence and approving the employee's return to work.

In the event an employee becomes sick or has an accident during paid Personal Time Off, the time may be charged to accrued EIB (subject to proper medical documentation).

The City of Somerton shall comply with the provisions of the Family & Medical Leave Act of 1993.

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Section 804 - Family and Medical Leave Act (FMLA)

The City shall follow the requirements of the Family and Medical Leave Act of 1993, as amended, and will post notices required by FMLA on the City Bulletin Board.

- An employee becomes eligible for FMLA leave once they have worked for an employer for 12 months, during which they worked at least 1250 hours.
- An eligible employee is entitled to up to 12 weeks of FMLA leave during a 12-month period of time. The City calculates FMLA time based on the calendar year.
- If an employee's leave time qualifies and is documented as FMLA leave, the employee will be required to apply all accrued PTO and/or other leave (including comp time) during the FMLA absence. This paid leave will run concurrently with the qualifying FMLA leave time. If an employee does not have enough accrued paid leave available to cover the FMLA leave, the remaining FMLA time will be unpaid.

Section 805 - Physician's Release

A certification from a licensed physician or practitioner allowing an individual to return to work is required for any absence of more than three working days, due to illness or injury, or when it is determined by the department director or Human Resources that one is necessary to establish that an employee is fit to perform work duties.

Section 806 - Bereavement Leave for Immediate Family

Upon documentation provided to Human Resources that a relative has died, all full-time, active employees are eligible for benefits under this policy.

An employee who wishes to take time off due to the death of an immediate family member shall notify his or her supervisor as soon as possible. If an employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available PTO for additional approved time off as necessary.

Bereavement pay is calculated based on the base pay rate at the time of absence, and it will not include any special forms of compensation, such as overtime or shift differentials.

Paid bereavement leave will be granted for the following immediate family members:

- Employees are allowed up to 40 hours off, or 48 hours for fire service employees working 24-hour shifts, from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, grandchild, grandparent, or an adult who stood *in loco parentis* to the employee or employee's spouse during childhood.

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Section 807 - Military Leave

Military leave shall be granted in accordance with the provisions of State and Federal law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave may be taken.

Section 808 - Jury Leave

Every employee of the City who is required to serve as a juror shall be entitled to leave not charged to any accrued leave during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee will be paid full salary and any payment received from the court shall be remitted to the City, except travel pay, for such duty. Employees subpoenaed to testify as witnesses in criminal or civil cases shall be entitled to the same benefit as employees called as jurors.

Section 809 - Leave Without Pay

A department director may grant a probationary or regular employee a leave of absence without pay, not to exceed three days in duration. If the leave is expected to extend beyond three days, the City Manager may grant a probationary employee or a regular employee such a leave of absence without pay. A leave without pay may be granted only in situations where there is no paid leave time available to the employee. An employee desiring leave without pay shall make a written request setting forth the request and the length of time requested. Upon expiration of an approved leave, the employee shall be reinstated in the position held at the time the leave was granted. Failure on the part of an employee on leave without pay to report promptly upon expiration of the leave, or to provide additional information justifying the need for an extension of the leave period, may be cause for termination.

An employee on leave of absence without pay shall receive no compensation and shall accumulate no PTO or EIB while on such leave, nor shall receive additional benefits. The term of a leave of absence without pay may be extended by the City Manager. Employees on special leave without pay are responsible for the payment of the entire insurance premium. Each such employee must make the premium payment directly to the Finance Department in order to continue coverage.

Section 810 - Personal Time Off Donation Program

The Personal Time Off Donation Program is established to allow a qualified employee who has exhausted all his/her PTO and/or EIB hours a means of financial assistance through the contributions of Personal Time Off accruals from fellow employees. A qualified employee is any regular City employee who has a personal catastrophic illness or injury occurs to him/her for which leave time taken (if any was available) would qualify under Section 803 above, and who has exhausted all paid leave hours. Examples include, but are not limited to, heart attack, cancer or serious car accident. Only employees who have completed the initial probationary period will be allowed to donate unused accrued vacation time under this Program. Donating employees may only donate Personal Time Off time in one-hour increments. An employee needing the

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benefits of this Program must make the need known to his/her supervisor. That supervisor and/or the department director may make the donation need known to other members of the department and other City employees through appropriate means. Human Resources shall prepare appropriate forms to document Personal Time Off donation authorization to ensure proper record keeping. Donated accrued Personal Time Off will be converted on a straight hour-for-hour basis to the recipient employee's sick leave balance. The tax liability associated with the donated leave will be the responsibility of the recipient. All leave donations will be voluntary and no employee may intimidate, threaten or coerce any other employee with respect to donating or receiving leave under this program.

ARTICLE IX – Drug Free Workplace

Section 901 – Drug Free Workplace Policy

The City has established a drug-free workplace. No employee shall work or otherwise provide services to the City during that employee's work hours while under the influence of intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance or any combination of liquor, drugs or vapor-releasing substances if the employee is impaired to the slightest degree. In addition, the City has established a zero tolerance policy for illegal drugs, and the possession, use, manufacture, distribution or dispensing of any illegal drug in the workplace by any employee is strictly prohibited. The City may require the collection and testing of samples for any job-related purpose, including:

1. Investigation of work-related accidents.
2. Maintenance of safety for both employees and the public at large.
3. Maintenance of productivity, quality of service and security of property and information.
4. Reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that the use may adversely affect the job performance or the work environment.

Section 902 – Illegal Drugs

Any employee who unlawfully possesses, uses, manufactures, distributes or dispenses illegal drugs shall be subject to personnel action up to and including dismissal.

Section 903 – Police Department Exception

Nothing in this section shall prevent a law enforcement officer authorized by the Police Department to be in possession of alcohol, prescription drugs or illegal drugs when required as part of that officer's official duties.

Section 904 – Conviction of Alcohol/Drug-Related Crime

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Any employee who is convicted of a drug/alcohol statute violation or drug/alcohol-related crime (including all DUIs) shall notify his immediate department director who shall then notify the City Manager no later than five (5) days after the entry of the conviction.

Section 905 – Prescription/Non-Prescription Medication; Impairment

Any employee who has been prescribed medication by a physician or is taking over-the-counter medication which may impair the employee's ability to perform job duties shall report to their supervisor or department director prior to reporting to work. Employees who report to work impaired by medication shall not be allowed to work.

Section 906 – New Employee Drug Testing

The City requires drug testing of all new employees in the Police Department, and those who will be regularly operating a motor vehicle or heavy equipment as part of his/her job, or any other employment position involving any safety-sensitive function. Prospective employees who refuse to test shall not be eligible for hire.

Section 907 – Reasonable Suspicion Testing

This policy applies except to the extent it is inconsistent or lacks the requirements set forth in state law, A.R.S. § 23-493 et seq. In such instances, the City will follow the procedures set forth in state law.

All employees shall be subject to alcohol or drug testing in accordance with this Policy whenever there is reasonable suspicion to believe that the employee has reported for work or is working while impaired to the slightest degree by alcohol or drugs. In the event that any department director or any other employee believes that another employee has reported for work or is working while impaired by alcohol or drugs, that employee or department director shall immediately report that information to the employee's department director who shall report to the City Manager or his/her designee as soon as reasonably possible. Following the receipt of an Incident Report, the City Manager or his/her designee shall make a determination about whether or not the employee who is suspected to be impaired by alcohol or drugs shall submit to alcohol or drug testing. The City Manager may require breath, urine, blood, saliva or other bodily fluids samples from such employee, shall designate the type of sample, the licensed medical practitioner who will take the sample and the independent testing laboratory that will test the sample. In the case of alcohol testing, the City Manager shall designate the law enforcement authority (other than the Somerton Police Department) or the medical practitioner that will perform the alcohol sample testing.

Section 908 – Scheduling of Tests

Any drug testing or alcohol impairment testing normally shall occur during or immediately before or after a regular or on-call work period. The time required for drug testing or alcohol impairment testing shall be deemed work time for the purposes of compensation and benefits.

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The City shall pay all of the actual costs for drug testing and alcohol impairment testing required by the City.

Section 909 – Testing Procedures

The collection of breath samples or bodily fluids samples shall be performed under reasonable and sanitary conditions. An employee to be tested may provide notification to the City Manager of any information that may be considered relevant to the test including identification of currently or recently used prescription or non-prescription drugs or other relevant information. sample collection, storage and transportation to the place of testing shall be performed in a manner reasonably designed to preclude the possibility of contamination, adulteration or misidentification. Testing shall comply with scientifically accepted analytical methods and procedures and shall be conducted at a place approved or certified by the United States Department of Health and Human Services, the Arizona Department of Health Services, or the College of American Pathologists. Drug testing shall include confirmation of any positive drug test results by a second or confirmatory alcohol or drug test. Alcohol breath testing may be duplicated using the same breath testing machine as used for the first test. A second or confirmatory drug test shall be a chromatographic technique such as gas chromatography, mass spectrometry or other acceptable and reliable analytical method.

Section 910 – Duplicate Samples

Whenever reasonable, a person who is subjected to alcohol or drug testing pursuant to this Policy may request that a duplicate sample be taken for the employee's use and at the employee's sole expense. This duplicate sample may be tested at the employee's sole expense at a laboratory which meets any of the qualifications set forth above.

Section 911 – Test Results; Copies

An employee may, upon written request to the City Manager, obtain copies of test results.

Section 912 – Confidentiality of Test Results

Test results shall be kept confidential, except that the employee's supervisor, the City Manager and the City Attorney may be given copies of test results. Further, to the extent that test results of a public employee are public information, the City may release written test results after receiving an order from a court or other competent legal authority. Except as stated in this Policy, test results may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, except in a proceeding related to an action taken by an employer or employee relating to this Policy.

Section 913 – Causes of Action Based Upon Test Results

No cause of action may be brought against the City relating to alcohol or drug testing performed in accordance with this Policy, including dismissal for a violation of this Policy, unless the City knew or clearly should have known that the drug testing result was in error and ignored the true

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test result because of reckless or malicious disregard for the truth or the willful intent to deceive or be deceived.

Section 914 – Refusal of Employee to Test

Any employee who refuses to participate in the alcohol or drug testing allowed by this Policy shall be subject to discipline up to and including termination of employment. Prospective employees who refuse to test shall not be hired.

Section 915 – Testing of Minors

This Drug-Free Workplace Policy applies to all full-time and part-time employees, whether or not that employee is under the age of 18 years. However, in the event that testing of a person under the age of 18 years is required or recommended pursuant to this Policy, no such testing shall take place without the minor's parents being notified, and at least one (1) parent or guardian of that minor shall authorize such testing, in writing. In the event that the parent or guardian of a minor refuses to allow that minor employee to be tested, Section 914 shall apply.

Section 916 – Department Head Training

The City Manager, the City Clerk and all department heads shall be required to receive training in recognizing alcohol and drug abuse in the work place. The training shall meet with the requirements of 49 C.F.R. 382.603 and shall be approved by the City Manager. Other employees who wish to receive this training may be trained as authorized by the City Manager.

Section 917 – Invalidity

If any section, subsection, sentence, clause or portion of this Policy is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

ARTICLE X – Policy Against Harassment or Discrimination

Section 1001 – No Harassment or Discrimination

The City, consistent with its commitment to provide equal employment opportunities, will not tolerate any form of employee harassment or discrimination, including sexual harassment, harassment or discrimination based upon race, national origin, religion, age, or disability.

- A. Sexual Harassment. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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- B. Other Harassment or Discrimination. Other harassment or discrimination which may become the basis for a legally recognized cause of action against the City or one of its officers or employees is also covered by this policy. It includes but is not limited to harassment based on race, national origin, religion, age or disability.
- C. All supervisors and managers are responsible for maintaining an atmosphere free from harassment or discrimination.

Section 1002 – Duty to Report

Any employee who feels that he or she has been harassed or discriminated against should immediately contact either the director of the department in which he or she works or the Human Resources department and report the harassing or discriminatory behavior. If the employee's allegations involve the Human Resources department, the employee shall report the behavior to the City Manager. If the employee's allegations involve the City Manager, the employee shall report the behavior to the Mayor.

Section 1003 – Other Employees, Duty to Report

All other employees, including supervisors or managers who become aware of possible harassment or discrimination of an employee, either as a result of having received a complaint directly from the employee or from any other reliable source of information, shall report the behavior to the department director, the Human Resources department, or the City Manager.

Section 1004 – Investigation

The Human Resources department is responsible for investigating any complaint of harassment or discrimination promptly and thoroughly. Following the investigation, the Human Resources department shall take appropriate corrective action on all violations of this policy against harassment.

Section 1005 – No Reprisals

No reprisals of any kind shall be taken against a complaining employee or a witness who in good faith has reported or has assisted in any way in the investigation of a harassment/discrimination complaint.

Section 1006 – Penalties

Depending upon all of the circumstances, a violation of this policy against harassment may result in discipline up to and including dismissal.

Section 1007 – Knowingly False Accusations

The City also recognizes that false accusations of harassment may have serious effects on innocent individuals. Any employee who knowingly files a false charge of harassment or who knowingly gives false or misleading information which leads to or takes place during an investigation shall be subject to disciplinary action up to and including dismissal. No action will be taken against a

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person who makes a complaint of harassment in good faith even if an investigation fails to substantiate the complaint.

ARTICLE XI - DISCIPLINARY ACTION AND RULES OF CONDUCT

Section 1101 - Purpose

The orderly and efficient operation of the City's business requires that employees maintain discipline and proper personal standards of conduct at all times. Maintaining proper conduct and job performance is necessary to protect the health and safety of all employees and others, to maintain uninterrupted productivity and to protect the City of Somerton's good will and property. The general responsibilities of all employees as outlined elsewhere in this policy, along with specific job responsibilities, need to be performed properly to ensure our success. If inappropriate behavior or poor job performance is observed, employees may be warned and counseled about the need to refrain from similar conduct in the future. However, such steps are not required and termination may immediately occur. Disciplinary action may take the form of admonishment, reprimand, reduction in pay, suspension or dismissal, to name a few. For the purposes of this Article, a day means a calendar day unless otherwise expressed. If the last day of any time period stated herein falls on a Saturday, Sunday or legal holiday in the City of Somerton, then the duration of such time period shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 1102 - Reasons for Disciplinary Action

Grounds for disciplinary actions include but are not limited to the items listed in this Section. This listing is not all inclusive. Other work rule violations or other actions which reflect poorly on the employee or the City may also subject an employee to disciplinary action, up to and including termination from City employment. This list only illustrates the type of inappropriate actions which may result in disciplinary action:

1. Ineffective or substandard work performance.
2. Abusive attitude, language or conduct.
3. Negligence or carelessness.
4. Any conduct resulting in injury to employees, wards of the City or members of the public.
5. Violation of any City rule or regulation.
6. Violation of any City, State or Federal law.
7. Being found to be under the influence of alcohol or non-prescribed drugs while on duty, or at such a time as it could impact the employee's work performance or the safety of others.
8. Damaging City property.
9. Absence from work without an approved leave.
10. Failure to report for duty as scheduled.
11. Use of City property for personal purposes without prior authorization.
12. Violation of the conflict of interest policy.
13. Abusing sick leave, workers compensation leave, or malingering.

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14. Engaging in any conduct, on or off the job, that might bring discredit to the City service.
15. Falsification of City records or other documents.
16. Falsification of the employment application or other employment records.
17. Engaging in any discrimination, sexual harassment or any other unlawful employment practice.
18. Failure to properly report an accident involving City property or potential City liability.
19. Violation of the violence in the workplace policy or the weapons in the workplace policy.
20. Any other action or inaction, malfeasance or misfeasance by any City employee which, in the City's sole discretion, warrants disciplinary action.

This list is not an exclusive list of grounds or a good cause for termination from the City service. For employees who may only be terminated for good cause, the City retains the right to terminate any employee for any reason it deems to constitute good cause.

Section 1103 - Administrative Suspension

The City Manager (or his or her designate in a given case) may suspend an employee with pay (administrative leave with pay) pending an investigation or for any other reason as the City Manager may deem appropriate. An administrative suspension with pay is not considered a disciplinary action, and is not subject to grievance or appeal procedures.

Section 1104 - Levels of Disciplinary Action Imposed

The City may impose disciplinary action as appropriate under the given facts and circumstances. The decision as to what level of discipline to impose is the sole and exclusive decision of the City. The City Manager will have the final authority as to whether a particular level of discipline is appropriate in any given case. The following factors may be considered, if appropriate, in determining which level of discipline will be imposed in a particular case:

1. The seriousness of the offense.
2. The employee's work history and prior disciplinary actions.
3. Prior warnings or notice to the employee of the inappropriateness of the conduct.
4. The employee's longevity (or lack thereof) with the City.
5. The exposure or liability risk to which the employee's conduct exposes the City.
6. The City's treatment of other similar cases in the past.

This list is not intended to be all-inclusive, nor is it intended to list the factors in any particular order of priority or importance. Other factors may be considered in a particular case in deciding an appropriate disciplinary action, including factors required for consideration pursuant to the Peace Officers Bill of Rights, A.R.S. § 38-1101 et seq., in the case of law enforcement officers. Nothing in this policy shall be interpreted or construed as requiring the application of progressive discipline in any circumstance or set of circumstances. It is the sole and exclusive decision of the City to choose and apply whatever level of disciplinary action it deems appropriate to any given circumstance or set of circumstances.

Employees under investigation may be requested to submit to a polygraph examination.

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Section 1105 - Levels of Disciplinary Action Available

Verbal Admonishment - An admonishment is the least severe formal disciplinary action and is intended to point out problems and outline suggestions for resolution of those problems to employees.

Written Reprimand - A reprimand may be issued by a department director or a designated representative to an employee for an offense not serious enough for suspension, demotion or dismissal. A reprimand shall be in writing and a copy shall be forwarded to Human Resources for insertion in the employee's personnel file.

Disciplinary Suspension - A department director, with review by Human Resources, may suspend an employee without pay at any time for disciplinary reasons, not to exceed 24 hours (33 hours for fire service employees working 24-hour shifts). Suspensions of more than 24 hours (33 hours for fire service employees working 24-hour shifts) must be approved by the City Manager. Exempt employees (those exempt from the provisions of the Fair Labor Standards Act) may not be suspended without pay for disciplinary reasons for a period of time less than one day.

Disciplinary Probation – a department director, with review by Human Resources, may place an employee on disciplinary probation for failing to meet expectations or for other misconduct. The purpose of a disciplinary probation is to set expectations, with a time period associated with it (usually no more than 90 days), in which an employee is expected to improve performance or face additional disciplinary action.

Disciplinary Demotion - A department director, after review with Human Resources and with approval of the City Manager, may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary reasons. A demoted employee shall be placed in the salary range assigned to the classification to which the employee is demoted as determined by Human Resources. Final authority for demotions rests with the City Manager.

Disciplinary Reduction in Pay - A department director, after review with Human Resources and with approval of the City Manager, may use reduction in pay as disciplinary action. Final authority for reductions in pay rests with the City Manager.

Disciplinary Dismissal - The ultimate step in any disciplinary action is dismissal from the City service. Final dismissal authority rests with the City Manager.

ARTICLE XII - GRIEVANCES AND APPEALS

Section 1201 - Grievance Procedure

Matters Subject To Grievance - If an employee believes that (1) the City, through its managers or

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supervisory personnel, violated or misinterpreted one of its express policies, regulations, administrative rules, state laws or federal laws, and (2) the grieving employee was negatively affected by the alleged violation or misinterpretation, then the City employee may file a grievance. No other matters are subject to a grievance.

Any issues concerning an imposed disciplinary suspension (without pay) in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be appealed pursuant to the appeal procedure (see Section 1202 below) and cannot be pursued through the Grievance Procedure. For the efficient operation of the City, should an employee have an issue that is subject to this Grievance Procedure and also concurrently have an issue that is subject to the Appeal Procedure, the City Manager may, in his or her discretion, after the employee's timely submittal of appropriate forms, order all matters to be decided pursuant to the City's Appeal Procedure in one proceeding by so notifying the City employee. Issues relating to employee performance evaluations are not matters subject to grievance under the provisions of this policy. Disciplinary suspensions (without pay) of less than 24 hours (33 hours for fire service employees working 24-hour shifts) are subject to grievance under the provisions of this policy.

Step One-Informal Level - An employee who has a problem or complaint subject to the Grievance Procedure must first immediately try to settle the matter through discussion with the immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee may discuss the matter with the next level of supervisor or the department director. Employees are obliged to make good faith efforts to resolve any dispute informally at the lowest possible level before proceeding up the chain of command or proceeding to the next steps in the Grievance Procedure. The employee must act expeditiously at all times to comply with the time lines set forth in this Grievance Procedure.

Employees who habitually misuse or abuse the Grievance Procedure, or who repeatedly attempt to invoke the Grievance Procedure for matters that are not subject to grievance may, in the discretion of the City Manager, be barred from using the procedure for a period of time as may be deemed appropriate by the City Manager under the facts of any particular case.

Step Two-Written Grievance - If the grievance is not resolved at the informal level, the employee may proceed to the second step of the procedure by writing the grievance, using the City of Somerton Employee Grievance Form. No writing shall be considered a grievance under this procedure unless it is submitted on the City's form, is fully completed, and is submitted to the Department Director to whom the employee's department reports, within fifteen (15) working days following the incident about which the employee wishes to complain. The employee's written grievance must contain, at a minimum, the following information:

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- A. An identification of the policy, regulation, administrative rule, state laws or federal laws that the employee believes the City, through its managers or supervisory personnel, violated or misinterpreted;
- B. How the employee was negatively affected by the alleged violation or interpretation; and
- C. The employee's requested relief or remedy.

Upon receipt of a written grievance as defined by this section, the Department Director shall respond to the employee's written grievance in writing within five (5) working days of receipt of the grievance.

The employee may proceed to Step Three of this Grievance Procedure only under the following circumstances:

- A. The Department Director did not grant the employee's relief requested and the employee is dissatisfied with the Department Director's response; or
- B. The Department Director did not provide the employee with a written response within five (5) working days of the employee's grievance.

Step Three-City Manager Decision - An employee who is eligible to proceed to Step Three of the Grievance Procedure (as set forth in Step Two) may submit a copy of his or her original written grievance, as well as the Department Director's written response (if any) to the City Manager within five (5) days of the Department Director's written response. The papers should be submitted to the City Manager with a cover memo explaining that these documents are submitted to the City Manager pursuant to Step Three of the Grievance Procedure. The employee may state in the cover memo the reason(s) the employee is dissatisfied with the Department Director's response to the grievance, if applicable, but may not add any additional or extraneous matters that were not considered by the Department Director in rendering his or her decision on the grievance.

Upon receipt of an employee's grievance pursuant to this procedure, the City Manager may, in his or her sole discretion, decide to:

- A. Rule on the employee's grievance; or conduct (or assign) a further investigation and then rule on the employee's grievance; or
- B. Hold a hearing with the employee and/or any person to gather more facts before ruling on the employee's grievance; or
- C. Refer the matter to the Personnel Advisory Board to conduct an informal hearing pursuant to the administrative regulations governing grievances; or
- D. Take some other action on the grievance as he or she, in his or her sole discretion, deems appropriate under the circumstances.

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The employee has the burden of proving that the action being grieved was a violation of one of the City's express policies, regulations, administrative rules, state laws or federal laws. If the employee has been granted a hearing before the Personnel Advisory Board for the grievance, the employee must present, at the beginning of the hearing, evidence to support his/her claim of a grievance. If the employee does not present evidence, the Board shall stop the proceeding and issue a recommendation to the City Manager advising that he/she not grant the employee's requested relief. The City Manager will inform the employee who filed the grievance which of the above options the City Manager has chosen to employ, in writing. The City Manager will also inform the employee when the employee can expect to receive a final resolution of his or her grievance.

The decision of the City Manager on any grievance is final and binding for all purposes.

Section 1202 - Appeal Procedure

Purpose - The purpose of the City's Appeal Procedure is to provide an internal mechanism by which employees may challenge a decision imposing a disciplinary suspension (without pay) of more than 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal. The Appeal Procedure is also designed to provide due process for all employees who have a significant property interest in their employment with the City of Somerton. Employees who are considered to be At-Will by either the nature of their employment relationship with the City or because they are terminated during a probationary period are not eligible to utilize this procedure to appeal a dismissal from the City service.

This Appeal Procedure provides the exclusive remedy for any challenge that an employee (or terminated employee) was terminated, suspended, demoted or received a disciplinary reduction in pay in excess of 24 hours (33 hours for fire service employees working 24-hour shifts) in violation of City rules, ordinances, personnel regulations or state or federal law. Therefore, any claim that an employee may wish to raise challenging a disciplinary action suspension (without pay) in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be raised by following the procedures set forth in this policy, or it will be deemed waived. The decision made pursuant to this procedure is final and binding resolution of any issues raised for all purposes.

Matters Subject To Appeal - The only matters which may be appealed pursuant to this procedure are decisions imposing a disciplinary suspension (without pay) in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal (hereafter referred to as Appeal able disciplinary actions). Other matters which the employee contends *constructively* constitute a disciplinary suspension (without pay) in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must also be appealed pursuant to this procedure. Issues relating to employee performance evaluations are not

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matters subject to appeal under the provisions of this policy.

Appeal Procedure

Step One-Written Appeal - An employee who is eligible and wishes to commence an appeal of an appealable disciplinary action must submit a written request for an appeal to the City Manager. Once an employee has been notified that he or she has been suspended without pay in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), has received a disciplinary reduction in pay, a disciplinary demotion or disciplinary dismissal, this Appeal Procedure must be invoked within ten (10) calendar day of the imposition of an appealable disciplinary action or the employee waives his or her right to appeal and any other remedy which may otherwise be available. If the 10-calendar day deadline falls on a weekend or legal holiday, the deadline for appeal shall be extended to the following business day.

The employee must file a written request for an appeal of the appealable disciplinary action on the City's Employee/Former Employee Appeal Form, setting forth the following item:

- A. Identification of the action that the employee contends was an appealable disciplinary action, including the effective date of the action;
- B. The reason(s) that the employee contends the imposition of the disciplinary action at issue was not appropriate in this case, by reference to facts, documents, other evidence or legal arguments; and
- C. The employee's relief requested.

Upon receipt of the written appeal request, the City Manager or his or her designee will coordinate the scheduling of a hearing for the employee's appeal before the Personnel Advisory Board. The hearing should ordinarily be held within 30 days of the employee's submission of a valid appropriate form, scheduling permitting. The City Manager or his or her designee will notify the employee of the scheduled date for the hearing, and will provide the employee with the administrative regulations which set forth the procedure which will be utilized at the hearing.

At the hearing, the employee will be permitted to be represented by an attorney of his or her choosing, at his or her expense. After opening statements by the employee or his/her lawyer and the City Attorney, the employee must proceed first and must present evidence. The employee will also be permitted to cross-examine witness testimony, present evidentiary exhibits and to testify in person. Ordinarily the hearing will not exceed four hours in length. The City will then present its case. The parties may choose to re-arrange the order of presentation.

The Personnel Advisory Board shall issue a written recommendation to the City Manager, stating only whether the Board believes the imposed discipline should be upheld or if the employee's requested relief should be granted. The recommendation may, but need not, state the factual and legal basis upon which the Board based its recommendation. It is not the role of the Personnel Advisory Board to determine whether a greater or lesser disciplinary action should be imposed,

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but only whether it believes the City's discipline is appropriate or not, violated or misinterpreted one of its express policies, regulations or administrative rules, or state or federal law.

Upon receipt of the recommendation from the Personnel Advisory Board, the City Manager shall issue his or her written decision which sets forth the evidence relied upon and the reasons for the determination made.

Section 1203 - Final and Binding-Exclusive Remedy

Any contention that the City has failed to comply with any obligation it has made to an employee through its ordinances, personnel rules, or any other written or verbal commitments, must be raised pursuant to the City's Grievance and Appeal Procedures, as set forth in these policies. Further, any contention that the City has violated state or federal law in connection with any disciplinary suspension (without pay) in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), disciplinary reduction in pay, disciplinary demotion or disciplinary dismissal must be raised in a timely manner pursuant to the Appeal Procedure, or it is deemed waived. The final decision rendered pursuant to the exhaustion of the Grievance and/or Appeal Procedure on any matter is a final and binding resolution of the issue for all purposes. Any failure of an employee to pursue any step of the grievance or appeal renders the last decision by the City the final decision.

Section 1204 - Composition of Personnel Advisory Board

The Grievance Committee shall be composed of three members. One (1) member and one alternate shall be selected by the Department Heads from the ranks of entry level regular employees. One (1) Department Head and one alternate shall be selected by the City Manager and one (1) member and one alternate shall be selected from supervisory and mid-management ranks when applicable, by the City Manager.

Term

All selections shall be for a term of three years. Should any board member terminate employment with the City during the term of office, the alternate will fulfill the term of office and another alternate from the same ranks will be selected.

Disqualification

A member or alternate member of the Personnel Advisory Board shall voluntarily disqualify him/her self for service in a given case for any of the following reasons;

- Family relationship
- Personal involvement
- Close personal association
- Personal prejudice
- Employee is from same division as the grievant

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In any instance in which the City Manager determines that disqualification would be appropriate, but there has not been voluntary disqualification, the City Manager can appoint an alternate or other substitute to sit instead of the individual or individuals whom the City Manager believes has a basis for disqualification.

Advisory Resources Staff

The Personnel Department staff shall be exempt from participating in the Personnel Advisory Board except to act as an ad hoc member for coordination purposes. Staff from other departments may be called to provide technical advice to the Personnel Advisory Board, as needed.

Decision

The decision rendered under this Grievance process shall be a final and binding determination as to whether there is any merit to the claim of the grievance.

Reporting

The City Manager will apprise Council in the weekly report of any and all grievances taking place. The department involved will be listed, the employees will remain anonymous.

ARTICLE XIII - LEAVING THE CITY SERVICE

Section 1301 - Resignation

An employee wishing to leave the City service in good standing shall file with his/her department director at least ten working days before leaving the service, a written resignation stating the effective date.

The resignation shall be forwarded to Human Resources for processing and upon receipt; Human Resources shall prepare all appropriate release documents. Failure to comply with the provisions of this article shall be entered into the employee's personnel file and may be cause for denial of future employment with the City. Department directors may waive the notice requirement.

Employees leaving the City service shall turn in all City property and clear all debts to the City prior to receipt of the final paycheck. An exit interview will be scheduled for each employee resigning or retiring from the City service as a way of obtaining comments, complaints and suggestions for improvements to the City service.

Section 1302 - Reduction in Force

The City Manager may direct a reduction in force through layoff because of material changes in duties or organization or shortage of work or funds. Whenever possible, employees to be laid off will be given a two-week notice. To determine which employee(s) are to be laid off, the City Manager may take into consideration length of continuous, regular service to the City and

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employee skills, training and job knowledge as determined by performance evaluations, and other factors as may be deemed appropriate.

Section 1303 - Retirement

Eligible employees who retire from the City service shall file with the department director at least ten days prior to the effective date of retirement, a written notice stating the effective date of the retirement.

ARTICLE XIV – MISCELLANEOUS ITEMS

Section 1401 – Breaks

Two (2) fifteen-minute rest periods shall be scheduled in each eight-hour shift by the supervisor. Employees scheduled to work four (4) hours or less shall receive one such fifteen-minute rest period. The City of Somerton pays for rest periods. Should circumstances prevent employees from having a rest period, they will not be allowed to leave work early as compensation for the forfeited time nor will they be reimbursed.

Employees are not permitted to leave the work or rest areas for personal business during these breaks without the prior approval of their supervisor.

Hours of employment will vary depending upon the duty schedule and the department in which the employee may work. One hour is allowed for lunch or dinner and must be taken. If an employee works six (6) or more hours, one hour is deducted for mealtime. Employees working through (2) meal periods will automatically lose one hour for each unless shown they are not taking one of the two. The City of Somerton does not normally pay for mealtime. No one is permitted to omit meal time in order to leave work early or to be compensated for that one hour when not taken.

Employees are encouraged to leave the office, work area or building for meal breaks. When employees must remain in the facility for meal breaks, consumption of food will be in areas other than in the main reception or public areas, where and when possible.

Section 1402 – Personnel Records

Human Resources is delegated the responsibility for keeping a complete file of all forms and correspondence relating to the employment history of City employees.

An employee's personnel record begins with their date of employment. The personnel record includes, but is not limited to originals of employee identification data, service hire date and

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data, appointment status, employment history, leave information, praises and disciplinary data, and performance appraisals. All data relating to employee status, performance, and qualifications will be kept in these files.

Employees may review their file at any time during normal working hours at the Human Resources office. We recommend that employees set up an appointment to view files to insure that someone will be available to assist them. Personnel records are available for review in the presence of Human Resources only; employees will not remove or add any materials to these files. Employees may reproduce any of the contents of their files.

Human Resources shall maintain separate files for staff time reports, sick and annual leave records, overtime compensation records, insurance information, worker's compensation and employee travel records.

To keep your personnel record current, any changes in name, address, telephone number, marital status, insurance data, beneficiary, tax exemptions, new or renewed licenses, and any education completed since the beginning date of employment should be reported to Human Resources within seven (7) days of the change.

Section 1403 – Garnishments

If employees fail to pay their debts, their creditors may have their wages garnished; and the City is required by law to accept such garnishment. When the city is served garnishment documents on an employee payroll will notify Human Resources and advise the employee of the garnishment. Human Resources will explain the garnishment process to the employee and how the employee's pay check will be affected until the garnishment is complete.

Section 1404 – Employee Anniversary Dates

An employee's base anniversary date is the original date of hire. All dates used as anniversary dates after that time is based on job change, promotion or demotion.

The anniversary date is the date an employee started work as a full-time employee with the City of Somerton less any adjustments caused by absence of over ninety (90) consecutive calendar days. The anniversary date is used to compute job seniority, eligibility for employee benefits including vacation, sick leave, promotion, pay raises, health insurance, life insurance, service awards, etc. In cases where a previous employee is re-employed, the beginning date of the current period of employment is the anniversary date.

The anniversary date will be adjusted after more than ninety (90) consecutive days of unpaid leave. Each calendar day over 90 will be counted.

The anniversary date (for evaluation purposes only) shall be adjusted for any job change.

1. The following actions will change an employee's anniversary date:

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- a. Promotion - new date would be as of the date of promotion
 - b. Demotion - new date would be as of the date of demotion
 - c. Leave of absence - new date would be that an adjustment of the old date by the number of days on leave of absence over 90 days.
2. Anniversary date would not change for:
- a. Employee's salary change as a result of an overall adjustment to the pay plan
 - b. Employee transfer from one position to another position in the same job class
 - c. Employee is assigned to temporary special duty, lasting less than ninety (90) days

Section 1405 – Time Sheets/Cards

A record of time worked is kept on a time sheet or by punching a time clock for all hourly employees. The accuracy of the time sheet/time clock card is the responsibility of the employee. Failure to properly record time worked may result in loss of pay or termination.

If an error occurs, the time sheet or time card should be taken to the employee's supervisor who must initial it. Employees should not permit another employee to write on or clock in or out on their time cards. Violation of this rule is cause for immediate dismissal.

Employees finding it necessary to leave their work area during working hours will obtain their supervisor's permission and clock "out" when leaving and "in" when returning unless leaving for office errands or other approval has been obtained from the supervisor.

In no event will an employee be paid less than minimum wage for the time actually worked. Employees' time will not be paid for nor deducted from, for insignificant periods of time recorded (seven minutes or less) before or after the scheduled work shift.

Employees, unless called for emergency, special duty, or other reason, will check in no sooner than seven minutes before the work day begins and will endeavor to check out prior to seven minutes after the work day ends.

Section 1406 – Work Hours

The normal workweek for all full-time employees shall be forty (40) hours per week (except for Fire/Ambulance, which is 212 hours in a 28-day period. Part-time employees will work the schedule set by their supervisor. Department Directors shall set the work shift hours.

Section 1407 – Travel

All requests for employee travel shall be approved by the City Manager in advance. The City hereby adopts the General Services Administration's Federal Travel Regulations established by the General Services Administration. Their travel guides/policies are updated periodically and the City will keep a current guide on file for all travel regulations.
(See Travel Policy for clarification/information.)

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Section 1408 – City Driving Policy

To encourage safe use of vehicles and equipment the city will monitor vehicle operators to ensure they are in compliance with State and local laws as well as with this policy.

This policy applies to all employees who operate City vehicles and their private vehicles on City business (being reimbursed for mileage) and employees who are subject to perform any driving duties as assigned.

In addition to having a valid driver's license, employees must comply with the City's Drug Free Work Place policy, proof of vehicle insurance and maintain a safe driving record, with no suspensions.

Not meeting these requirements and/or failure to demonstrate the ability to drive safely will constitute an unsafe driving record. A driver's license record check will be done at time of employment and at least annually thereafter.

Human Resources will at time of employment and at least annually, conduct a driver's license record check. Human Resources will notify the Department Director if the results of an employee's annual driving record check show an invalid license or that the employee has an unsafe driving record.

The Department Directors with knowledge that an employee does not have a valid driver's license nor has an unsafe driving record the Department Director will not allow that employee to operate City vehicles (including off road motorized equipment.) Nor will the Department Director approve the use of that employee's private vehicle on City business.

Employees who are required to have an Arizona driver's license will be responsible for keeping the appropriate license current and valid. Employees operating private vehicles on City business must have a valid driver license and proof of insurance. If an employee receives a moving violation or traffic citation, on the job, they must report it to their Department Director and/or the Human Resources immediately.

If an initial driving record check on a new employee reveals that the employee's driving record is in violation of this policy, the employee may be subject to corrective action, which may include termination. Any employee found to be operating a motor vehicle on City business with an invalid license or an unsafe driving record in accordance with this policy will immediately cease operating city vehicles and may be subject to modified duty and/or disciplinary action.

The City prohibits the use of any device that makes or receives phone calls, leaves messages, sends text messages, accesses the internet, or downloads and allows for the reading of and responding to e-mail or other messages whether the device is City-supplied or personally owned, for any purpose,

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unless using a hands-free device, while driving or operating any City-owned vehicle or while driving or operating any personal vehicle in the course of conducting City business.

Section 1409 – Information Technology Policy

These regulations provide employees with requirements and standards for utilizing the City's computers, networks, electronic equipment devices, internet, intranet, USB memory drives, Zip drives, and electronic mail services, communication devices and all other information technology. This policy should be applied in conjunction with other City policies and regulations, including any that may govern the City's management of its information systems.

These regulations provide general guidelines and examples of acceptable and prohibited use for illustrative purposes but do not state all potential uses or abuses.

A. Access

The level of access which employees are granted to the City's computers, networks and information services, Internet, e-mail, file servers, etc. is based upon the specific employee job requirements and access will be determined by the employee's Department Head and/or City Manager.

Employee access to the City's computers, networks and information services is provided for work related communication, research and data retrieval. Any use that is consistent with the City's goals in providing services and within the regulations is encouraged.

B. Use

The City provides Information Technology resources for employees' official City business. The following uses are examples of those that are prohibited, and which may lead to discipline including termination of employment:

1. Any use that is illegal or in violation of City policies;
2. Any illegal use of information technology systems or services such as copyright violations and/or violations of software licensing;
3. Copying, downloading, installing/removing software or applications without permission from the City Manager and/or his designee;
4. Any use involving materials that are obscene, sexually explicit, sexually suggestive or that may be insensitive regarding any protected employment category such as race, gender, age, disability, religion, or national origin;
5. Misuse and/or sharing of computer passwords/accounts including accessing the systems and/or data of other users without permission or authorization from the City Manager and/or his designee;
6. Effecting security breaches or disruptions of network communication on computer systems both internal and external to the City. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server,

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network equipment, or account that the employee is not expressly authorized to access. For purposes of this section, “disruption” includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, and forged routing information for malicious purposes;

7. Port scanning or security scanning of computer systems both internal and external to the City is expressly prohibited unless authorized by the City Manager and/or his designee;
8. Executing any form of network monitoring which will intercept data not intended for the employee’s host;
9. Any inappropriate communications with staff, non-City personnel and minors. A communication is inappropriate if it would meet any of the misuse examples provided in this regulation or comparable unprofessional conduct;
10. Any use for private or commercial financial gain or commercial advertising which includes solicitation;
11. Any use as a forum for personal communications by e-mail, chat or other medium whether to internal or external parties to solicit, advocate or communicate the views of an individual or non-City sponsored organization whether for profit or not;
12. Providing e-mail addresses of City employees to outside parties whose intent is to communicate with City staff on non-City purposes. Using City e-mail addresses for personal use or registration for non-City business related accounts of any kind;
13. Forwarding e-mail attachments which contain executable files from unidentified and/or unsolicited sources that may contain malicious software code (i.e. viruses, spyware, adware, and similar software);
14. Sending of mass e-mail to users in and out of the City network for non-City business;
15. Malicious use or damage to City computers, networks and information services;
16. Attempts to access inappropriate websites or encouraging others to do so;
17. Communications that do not adhere to professional standards;
18. Failing to report misuse, unauthorized activity, breach or attempt to breach computer security to the department head and the Information Technology department head;

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19. Using City computers, networks, electronic equipment devices and information services after such access has been denied or revoked;
20. Any attempt to delete, erase or otherwise conceal any information stored on a City computer that violates these regulations;
21. Connecting or installing personal laptops or wireless devices using the City internet services or network services without prior consent through the Information Technology Department;
22. Visiting adult pornographic material(s), websites, or posting or viewing anything which is reasonably construed, within the context of a professional work environment, as sexually explicit, scandalous, defamatory, libelous, illegal or immoral, or includes material that is obscene, sexually explicit, sexually suggestive or insensitive regarding any other protected employment category such as race, gender, age, disability, religion, or national origin;
23. Using the computer to view or send material that involves hate or discrimination;
24. Threats of violence;
25. Gambling;
26. Playing computer games;
27. Sending humor-oriented e-mails or links, including comics;
28. Using the computer for buying or selling illegal drugs, alcohol, and tobacco;
29. Dating/relationships websites or media;
30. Any use of the computer to buy, secure, or sell weapons of any kind;
31. Issuing or sending chain mail, practical jokes and other frivolous messages; and/or
32. Any other activity that would violate any federal, state, or local law.

Any use that is determined not to be City business and inconsistent with the City's goals and regulations, which results in an intentional breach, any attempt to breach the system security, any damage to information systems, equipment, network and other information services is understood to be prohibited.

C. No Expectation of Privacy

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The City retains control, custody and supervision of all computers, networks, communication devices and information services owned or leased by the City. The City reserves the right to monitor all information technology and internet activity by employees and other systems users, without prior notice. The City also reserves the right to access information technology and data to update and maintain equipment without notice. Employees have no expectation of privacy in their use of City information technology, including e-mail messages, internet communications and stored files.

D. Confidentiality of Information

Employees are expected to use appropriate judgment and caution in communications to staff, business associates and residents of the City. Personally identifiable information may be confidential, and records and other documents stored electronically that are sensitive in nature are to be treated in the same manner. Every reasonable effort will be undertaken to maintain information in a secure manner.

E. Public Record Nature of Email/Confidentiality

Email may be subject to disclosure pursuant to the public records laws as enacted under Title 39 of the Arizona Revised Statutes. A public record is a document that is made in the course of performing a duty, the immediate purpose of which is to disseminate information to the public or to serve as a memorial of official transactions for public record.

If an email is considered a public record, the City may be required to disclose the email upon request. If the context of the email is considered a public record, you must retain the record for the period of time as required by the retention schedule for the record.

F. Compensation for Losses, Costs and/or Damages

The employee may be responsible for any losses, costs or damages incurred by the City related to employee violations of this policy. This will be determined once damage assessment has been done by the Information Technology Department.

G. City Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

The City assumes no responsibility for any unauthorized charges made by the employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations and/or violations of software licensing.

H. Employee Questions

Employees having questions regarding acceptable computer activity may seek further guidance from the Department Head and/or the Human Resources Director.

I. Disciplinary Action

Failure to comply with this policy may result in disciplinary action, up to and including termination. Illegal use of the City's computers may also result in referral to law enforcement authorities.

J. Email Archiving and Retention Policy

Employees shall take appropriate action to promptly save e-mails that need to be retained in connection with any state law, contractual requirements or any other applicable retention schedule.

1. The City will keep all active e-mail on the production server for a 90-day period after the e-mail is generated or received.

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2. After the 90-day period the City will automatically move all active e-mail to online archive.
3. The City will keep the e-mails in archive status for one year. After one year, all e-mail will be deleted.
4. The City will purge all deleted e-mail 90 days after the deletion date.

Section 1410 – Social Media and Social Networking Websites

This policy provides guidance to City employees, contractors, volunteers of the City, and any other person in a position in the City service (for the purposes of this section, such persons are collectively referred to hereinafter as “employees”) that are authorized to add, modify or delete information (collectively, “post” or other conjugation thereof) on social media or social networking websites. All posting should be in accordance with the guidelines set forth in this section. Nothing contained in this policy shall be construed as denying employees their civil or political liberties as guaranteed by the United States and Arizona Constitutions.

A. Social Media and Social Networking Websites.

“Social media” refers to the interaction among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It is the collective of online communication channels dedicated to community-based input, interaction, content-sharing and collaboration. Websites and applications dedicated to forums, blogging, social networking, professional networking, and wikis are among the different types of social media. Social media includes social networking and professional networking sites. Social networking is the practice of expanding social contacts by making connections through individuals. A social networking website is a platform to build social networks or social relations among people who may share interests, activities, backgrounds or real-life connections. A social networking website consists of a representation of each user (profile), social links, and a variety of additional services. Social networking allows individuals to create a profile, create a list of users with whom to share connections, view and cross the connections within the system, and share information, photos, links, and items of interest. Examples include Facebook, Google+, Instagram, Pinterest, Tumblr, Twitter and YouTube.

B. Policy

The City Manager, or authorized designee, is responsible for the creation, administration and deactivation of approved social media or social networking website accounts. In the interest of maintaining the efficient operation of the City and its departments, Employees shall not:

1. Post or use social media or social networking websites using any City-owned computers or other City-owned or City-subsidized electronic devices at any time without the prior, written approval of the City Manager, or authorized designee;

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2. Post or use social media or social networking websites using any personal electronic device during the course of or in the performance of an employee's official duties;
3. Post or use social media or social networking websites using any electronic device while driving or operating any City-owned vehicle;
4. Post any information or content that depicts City personnel in the course of or in the performance of official duties, City logos or copyrighted marks, equipment, uniforms, facilities, or other identifiable City-owned property, real, personal or otherwise without prior, written approval of the City Manager, or authorized designee; or
5. Post any information or content that (i) is defamatory, false or illegal, (ii) creates an unreasonable adverse effect on the workplace, (iii) is represented or appears to be made as part of the official duties of the employee, unless the official duties of the employee include the authority to engage in speech in the manner in which the speech occurred, or (iv) otherwise exposes the City to liability or interferes with the efficient operation or function of the City or any of its departments. This paragraph shall apply to official, job related posting and personal, non-job-related posting or other speech-related activities. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination in accordance with City personnel policies

C. Conditions of Approved Use

Conditions of Approved Use include:

1. All City social media or social networking website accounts, and any use thereof, must comply with applicable federal, state and local laws, regulations, and policies;
2. All City social media or social networking website accounts must be (i) established as "community" or "government" accounts, (ii) clearly indicate they are maintained by the City of Somerton, Arizona, (iii) contain the City's logo and (iv) have City contact information prominently displayed. Content should be consistently branded to communicate a clear association with the City. The form of terms of use in effect at the time of establishment of any social media or social networking website accounts must be approved by the City Attorney prior to establishment of such accounts;
3. Content on all City social media or social networking website accounts is a public record and shall be open to the public as required by Arizona's public records laws. All content must be able to be managed, stored, and retrieved to comply with these laws;
4. Content on all City social media or social networking website accounts should focus on significant City interest areas and be organized in a manner that avoids duplication, ambiguities, and/or conflicting information across the City's various communication mediums;

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5. Content on all City social media or social networking website accounts may be posted only by employees who (i) have been approved to do so by the City Manager, or authorized designee, (ii) have a complete and acknowledged understanding of this policy and other applicable City policies, (iii) possess appropriate content and (iv) possess appropriate technical experience. Oversight of the City's social media or social networking website accounts will be provided by the City Manager, or authorized designee;
6. The City Manager may delegate all or a portion of the responsibilities for management, administration and/or implementation of any City social media or social networking website accounts to the City's department directors as the authorized designee(s) of the City Manager for purposes of this social media and social networking website policy. If so delegated, certain departments may choose to prohibit employees from identifying themselves as employees of the department and/or may prohibit the depiction of the employees' City uniform or insignia;
7. All City social media or social networking website accounts must contain the following City-standard disclaimer: "The City of Somerton's use of external social media or social networking websites is provided as a public service. The City of Somerton disclaims liability for ads, videos, promoted content, or messages accessible from any external web page. The responsibility for external content or messages rests with the organizations or individuals providing them. Any inclusion of external content or messages on external social media or social networking websites does not imply endorsement by the City of Somerton. The City of Somerton reserves the right to remove any content or information that is profane or obscene";
8. All messages or other information posted on City social media or social networking website accounts must (i) present the City in a positive light, (ii) contain information that is freely available to the public and not confidential as defined by any City policy or state or federal law, (iii) not contain any personal information except the names of employees whose job duties include being available for contact by the public and (iv) comply with local, state and federal laws;
9. Employees who are approved by the City Manager, or authorized designee, to post on City social media or social networking website accounts are expected to understand the current terms of service for the social media or social networking website account being used or to which information is Posted; and
10. Except as expressly provided in this policy, accessing any social media or social networking website shall otherwise comply with all applicable policies of the City pertaining to use of the internet by employees, including email or any messaging content.

D. Compliance

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1. Prior to Posting on any social media or social networking website account for an approved City purpose, each Employee shall sign an acknowledgement of receipt of this policy indicating that he or she has read and understands all of its provisions, and agrees to be bound by the same.
2. The City Manager, or authorized designee, shall review the City's usage of social media or social networking website accounts to ensure appropriate usage. The City Manager, or authorized designee, shall review (i) the number of followers, (ii) the frequency of messages and (iii) the consistency of such social media or social networking website accounts with City image and core values.
3. The City Manager, or authorized designee, shall maintain a list of all social media or social networking website accounts approved for City participation and account information, including login and password, to allow for immediate alteration or removal of content that is inappropriate or inconsistent with City policy.
4. The City Manager, or authorized designee, shall maintain a record of social media website account information, including user name, registered email address, date established, and authorizing representative, name of person who created account and a copy of any site use or terms of use. Records of user names, logins and passwords shall not be provided to the public.
5. The City Manager, or authorized designee, may at any time monitor or conduct an audit of employees' use of City-owned computers or other City-owned or City subsidized electronic devices capable of posting.
6. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination.