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PREAMBLE

- Employees shall uphold the Constitution of the United States of America, the Constitution of the State of Arizona, and the Ordinances of the Town of Paradise Valley. Goals and policies established by the Town Council shall also guide employee actions.
- Employees shall uphold the public trust.
- Employees shall act with honor, integrity, and respect for others.
- Employees shall be loyal to the Town of Paradise Valley, their supervisors and fellow employees.
- Employees shall conduct themselves in a manner that reflects positively on the Town of Paradise Valley.
- Employees shall respect private, confidential and proprietary information to which they are privy.

ARTICLE I. DEFINITION OF TERMS

The following terms, whenever used in this Handbook, shall be defined as follows:

Administrative Review: opportunity for a classified employee to meet with the Department Director and to submit information or evidence, facts or pertinent mitigating circumstances prior to a final decision on disciplinary action by the Department Director.

Council: the seven member Common Council of the Town of Paradise Valley.

Disability: a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

Disciplinary Action: an act by management designed to correct or eliminate the unacceptable behavior, conduct or performance of employees who fail to meet established standards or comply with organizational policies and procedures.

Discrimination: includes, but is not limited to, an act favoring or disfavoring another employee based upon race, color, religion, gender, age, disability, sexual orientation or national origin of the other employee.

Dismissal: involuntary termination from Town service.

Eligibility List: a list maintained by the Personnel Officer of former employees who wish to be considered for rehire.

Employee: any person working for the Town in exchange for financial compensation. An employee may have one or more of the following designations:

Classified Employee: all employees whose positions have been approved and budgeted by the Town Council and are not included in the unclassified service.

Contract Employee: an employee whose terms of employment are governed by a contract.

Exempt Employee: employee exempt from the provisions of the Federal Fair Labor Standards Act.

Full-time Employee: an employee hired on the basis of working 40 hours per week, 52 weeks per year.

Non-exempt Employee: employee subject to the provisions of the Federal Fair Labor Standards Act.

Part-time Employee: an employee hired on a basis of less than 40 hours per week.

Probationary Employee: an employee who has not completed the probationary period.

Regular Employee: an employee who has completed the probationary period.

Temporary Employee: an employee hired for a limited length of time.

Supervisory Employee: any employee having responsibility to supervise one or more subordinate employees.

Unclassified Employee: Town officers appointed by the Town Council, volunteers and personnel appointed to serve without pay, temporary employees, probationary employees.

Fair Labor Standards Act (FLSA): the Federal Fair Labor Standards Act of 1938, as Amended, and set forth in Title 29 United States Code., together with the Portal-to-Portal Act, Title 29 United States Code.

Family and Medical Leave Act (FMLA): the Federal Family and Medical Leave Act of 1993 providing certain job-protected leave to eligible employees for certain medical or family needs.

Personnel Appeals Board: a committee appointed by the Council to hear appeals on limited disciplinary matters.

Personnel Officer: the individual designated by the Town Manager as having primary responsibility for the human resource function of the Town.

Termination: the separation of an employee from the Town service by any means whether it be voluntary or involuntary.

Town: the Town of Paradise Valley.

Town Manager: the Town Manager is appointed by the Town Council as the chief administrator of the Town. The Town Manager is responsible for the administration of this Handbook. Throughout this Handbook, the term "Town Manager" also refers to the designee of the Town Manager.

Work Rules: policies and rules adopted by individual departments that involve the daily operations of that particular department to facilitate efficient and effective service and which are consistent with this Handbook.

ARTICLE II. GENERAL PROVISIONS

SECTION 201

Purpose

- A. This Handbook is designed to establish a human resource system that meets the needs of the citizens and employees of the Town. This Handbook applies to Town employees, not to individuals who perform work for the Town on a contractual basis or unclassified employees, except as may be specifically incorporated in a contract or appointment. This Handbook is not intended to serve as a contract of employment nor to guarantee employment to any employee. No individual or representative of the Town has the authority to make any agreement to the contrary. Should any article, paragraph, sentence, clause or phrase of this Handbook or the application of the same to a particular set of persons or circumstances be declared invalid for any reason, the remainder of such Handbook shall not be affected.
- B. All employees should retain their copy of the Handbook for future reference and must sign a statement that they have received and read the Handbook. The procedures and remedies in this Handbook shall not be held as exclusive. Questions about this Handbook should be discussed with the employee's supervisor or the Personnel Officer.

SECTION 202

Equal Employment Opportunity

- A. It is the policy of the Town to assure equal employment opportunity to all qualified persons based solely on an individual's ability to perform the essential functions of a job, regardless of race, color, religion, disability, age, gender, sexual orientation or national origin. The Town will not discriminate against an employee or applicant with disabilities regarding any position for which the employee or applicant is qualified. The Town is an equal employment opportunity employer, and every effort will be made to ensure that appointments, promotions, reclassifications, transfers, compensation, training, layoffs, terminations, or any other type of personnel actions are based on merit, fitness, or other factors determined to be non-discriminatory.

SECTION 203

Terms of Employment

- A. The policies and procedures relative to employment of all employees are set out in this Handbook, standard operating procedures, or if applicable, in the work rules of a particular department. If there is a conflict between the departmental work rules and the statements and procedures found in this Handbook, this Handbook shall govern.

SECTION 204 **Revisions to Human Resource Policies & Procedures Handbook**

A. The Town Manager shall ensure the Employee Handbook policies follow and reflect all changes to local, state and federal law, with the authority to amend items deemed necessary for legal compliance and proper administration of employee affairs based on Town Council policy direction.

B. The Town Manager shall transmit all Handbook Managerial amendments to the Town Council within two (2) business days of making an amendment determination. The Town Manager's decision shall be final unless within seven (7) calendar days at least three (3) members of the Town Council submits a written request to the Town Manager to appeal the decision. An appeal shall be set for consideration at a Town Council meeting within fourteen calendar (14) days after the Town Manager's receipt of the third written Council appeal request. The Town Council shall first decide, by a majority vote of the members present and not otherwise disqualified, to affirm whether the Town Manager's Handbook change meets the criteria for a Managerial Amendment. If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Amendment is final. If the Council decides that the criteria have not been met, the Town Council may deny the Managerial Amendment to the Handbook.

C.
The Town Council reserves the right and authority to amend, change, or discontinue any policy described in this Handbook regarding compensation or policies with fiscal implications to the Town, at any time at its sole and absolute discretion. The Employee Handbook will be considered on every odd numbered years starting in June 2021 as part of the Budget process and Council adoption of all financial policies.

SECTION 204 (A,B,C)Revised: 10/08/2020

SECTION 205 **Administration**

A. The interpretation and application of the provisions of this Handbook shall be made by the Town Manager. The Town Manager may issue Standard Operating Procedures to clarify and interpret this Handbook.

**ARTICLE III. REQUIREMENTS FOR ORIGINAL & CONTINUING
EMPLOYMENT**

SECTION 301 **Citizenship**

A. All applicants for Town employment and all employees must present evidence of United States citizenship or registration as a legal alien in accordance with the Immigration Reform and Control Act of 1986. All applicants for sworn police officer positions must be United States citizens.

SECTION 302 **Oath of Office**

A. Every employee shall take the oath or affirmation as prescribed by state law.

SECTION 303 **Physical and Mental Fitness**

A. Applicants and employees of the Town shall be of sufficient mental and physical condition to be able to perform the essential functions of the position for which they have applied. Reasonable accommodations for a qualified individual with a disability shall be provided unless such accommodation would impose an undue hardship on either the Town or other employees. The physical and mental qualifications of persons employed by the Town and applying for employment may be evaluated by health care providers approved by the Town.

B. Arizona Peace Officer Standards and Training Board physical and mental requirements and applicable work rules govern physical and mental fitness requirements of sworn police officers.

SECTION 304 **Nepotism**

A. Relatives are defined as follows:

Spouse	Parent (in-law)
Child	Sister (in-law)
Grandparent	Brother (in-law)
Grandchild	Uncle
Nephew	Aunt
Niece	

B. Relatives are not allowed to work for the same immediate supervisor or have reporting authority or administrative responsibility over one another in the chain of command. If such a situation is created by marriage, one party shall submit a request to the Town Manager for transfer. If a transfer cannot be made within 90 days, one employee must resign from the Town service. However, in the interest of the Town, the Town Manager may authorize exceptions to this policy. Variables to be considered in these decisions may include nature of the work place, lines of supervision, positions of a confidential nature and other potential concerns.

- C. The Council shall not appoint to an unclassified position any person who is a relative of a Council Member by blood or marriage, nor shall the Town Manager or any Department Director or other individual with hiring authority hire any relative of his/her or of any member of the Council to any classified position.

SECTION 305

Police Department Personnel

- A. Police Department Personnel are subject to additional testing and background requirements as specified in the work rules and applicable law.

SECTION 306

Residency²

- A. All employees who may be called in for service in an emergency must reside within a 30 mile radius of the Paradise Valley Municipal Complex. This includes essential employees whose services may be required in an emergency including, but not limited to, Town Manager, Town Attorney, Department Directors, exempt employees, all public safety personnel, public works field personnel, building and zoning inspectors, and administrative support personnel whose services may reasonably be required such as the Information Systems Analyst. The Town Manager may, at his or her discretion, grant exceptions to this requirement in circumstances when the employee may demonstrate the ability to respond to work promptly in the event of an emergency.
- B. All employees must immediately notify the Personnel Officer of any change in residence.

² Section 306 Added 1/28/99

ARTICLE IV. EMPLOYEE RIGHTS AND RESPONSIBILITIES

SECTION 401

Political Activity

- A. The Town shall not use its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections, except that the Town may distribute informational reports on a proposed bond election.
- B. Employees shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.
- C. No employee shall seek election to the Town Council while still employed by the Town.
- D. No employee shall solicit or distribute campaign material or campaign for any candidate during working hours and/or in a uniform used by or identified with the Town Government.
- E. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.

SECTION 402

Gifts and Gratuities

- A. No one seeking appointment or promotion to a Town position or appointive office will directly or indirectly give any money, service or other item to any person in connection with their appointment, or proposed appointment.
- B. No employee shall accept as an individual any fee, gift, service or other valuable item in the course of performing the duties and responsibilities of the position other than compensation set by the Town. Employees and officers may accept such items as candy, cake, cookies, flowers, plants or other items, of nominal value which are intended to be complimentary or appreciative in nature and which would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Town business are exempt from this policy.
- C. Department Directors may approve awards given by civic groups from a bona fide award program.

SECTION 403

Outside Employment/Business Activities

- A. Employees may engage in employment or business activities other than their job with the Town under the following conditions:
 - 1. The outside employment/business activity does not constitute a conflict of interest, or the appearance of a conflict of interest, with Town duties and responsibilities.

2. The outside employment/business activity is not inconsistent or incompatible with Town duties and responsibilities, working hours, assignments, or emergency assignments. The number of hours worked at outside employment may be restricted and shall be in accordance with any department work rules.
- B. Employees may engage in one-time, short duration jobs (an evening, single weekend, etc.) without written permission of their Department Director provided that the conditions in Section 403.A above are met.
- C. Employees must obtain the prior written permission of their Department Director:
1. To engage in regular (scheduled or intermittent) employment, including operating a personal business, other than their job with the Town. Department Directors will deny permission only when the conditions in Section 403.A. above are not met.
 2. To accept or continue any outside employment while on sick leave, industrial accident leave, or Family and Medical leave.
- D. Police officers may accept off-duty jobs approved and posted by the Police Department under departmental work rules without further written permission.

SECTION 404

Privacy

- A. Only the Personnel Officer, or designee, can release employment information, except as required by the Arizona Peace Officer Standards and Training Board.
- B. The Town makes lockers, desks, file cabinets and computer files (including electronic mail) available for the convenience of some employees without cost to the employee. These conveniences are Town property. Employees using these lockers, desks, file cabinets and computer files (including electronic mail) shall have no expectation of privacy concerning inspection of the lockers, desks, file cabinets and computer files by the Town. If the employee uses a lock, or a password, the Department Director must be furnished with a key or the combination to the lock, or the password. The Town may search lockers, desks, file cabinets and computer files (including electronic mail) for work related reasons or on the basis of reasonable suspicion of misconduct.
- C. Records created by employees in the course of official business of the Town are considered public records and subject to Town rules on management, retention and destruction of public records.
- D. Certain employees by the nature of their position have access to information of a confidential nature. Employees shall not disclose information of a confidential nature without specific authority from the Department Director or Town Manager.

SECTION 405

Personnel File

- A. Employees shall have the right to view their personnel file.

ARTICLE V. RECRUITMENT AND SELECTION⁷

SECTION 501

Recruitment

- A. Notice of vacancies within the classified service may be given by placing an advertisement in a newspaper of local circulation at least once, by posting notice of the vacancy at Town Hall, or by such other means chosen by the Town Manager. If a vacancy in the classified service is filled through promotion, transfer, redesignating a part-time or temporary employee as a full-time employee, appointment of a police reserve officer to a full-time position, or by the use of an existing employment list, then notice of the vacancy is not required.
- B. Application for Town employment shall be made on forms provided by the Town. Resumes, letters of reference, and other material which may assist in determining the qualifications of the applicant may be submitted with the application. All applications for employment, together with accompanying materials, become the property of the Town. Any misrepresentation in the information furnished in the application may warrant immediate termination as soon as discovered, regardless of the duration of employment or position held, in addition to other consequences available.
- C. The Personnel Officer shall, in accordance with state and federal privacy and security laws, examine criminal history information from and through the Arizona Department of Public Safety including recent records of arrest that did not result in prosecution and/or conviction concerning any employee or candidate for appointment to Town service.
- D. Appointment to Town service may be subject to satisfactory completion of mental and/or physical examination prior to employment. Examinations are given by a health care provider designated and paid for by the Town. Consistent with the Town's Drug and Alcohol Free Workplace Policy, a drug test may be required of applicants receiving a conditional offer of employment.
- E. The applicant selected for employment shall be given a conditional offer of employment, subject to such additional testing and background checks as may be required.

SECTION 502

Probation

- A. The probationary period is an integral and final part of an individual's selection and screening process. This period is intended to allow an employee to demonstrate satisfactory competence in the new position. It allows a supervisor time to observe the employee's performance, train and assist the employee to adjust to the position; or to terminate the employee who does not meet the required performance standards.
- B. All original appointments shall be subject to a probationary period of one year of continuous and successful service. All promotional appointments, voluntary transfers, and voluntary demotions shall be subject to a probationary period of six months continuous and successful service in addition to completion of the one-year original appointment probationary period.

⁷ Article V Title Revised 9/14/00, §502.B Revised 09/12/02
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Handbook Adopted: 2/26/98

- C. During an original appointment probationary period, an employee may be dismissed at any time without a statement of cause, without prior notice, and without the right of grievance or appeal.
- C. Probationary employees become regular employees upon submission of the completed Personnel Action Form by the Department Director to the Personnel Officer at the end of the probationary period. Probationary employees who do not become regular employees will be considered terminated without further action by the Town Manager.
- E. Employees who fail to complete a promotional, voluntary transfer or voluntary demotion probationary period may be reassigned to the position from which they were promoted or to a similar or lower level position if they meet the minimum qualifications with approval of the Town Manager, if such a vacancy exists. If the employee is reassigned, they will be subject to a new probationary period regardless of whether or not they had regular employee status. If no vacancy exists, the employee may be assigned to a position which is equivalent to their former position in terms of scope of responsibilities and pay for a period not to exceed six months, subject to the determination and approval of the Town Manager based on staffing requirements. At the end of the six month period, if there is still no vacancy, or sooner based on the Town Manager's assessment of staffing requirements, the employee will be terminated. Such probationary employees have the right to a pre-termination Administrative Review but may not appeal to the Personnel Appeals Board.

SECTION 503

Reinstatement

- A. Regular employees who resign from the Town service in good standing may request in writing to the Personnel Officer to be placed on an eligibility list. Upon approval of the Personnel Officer, employees' names will be put on eligibility lists for equivalent or lower position classes occupied at the time of resignation, contingent upon the following:
 - 1. Employees may be reinstated within one (1) year of their termination date.
 - 2. Candidates on an eligibility list may be subject to further testing.
 - 3. Employees who resign during probation are not eligible for reinstatement to that position or class.
- B. Employees hired from an eligibility list are classified as new employees and must serve the required probationary period.
- D. An employee who resigns from Town service to enter active duty in the armed forces, voluntarily or involuntarily, is covered under the Veteran's Re-employment Rights Law.

SECTION 504

Trainee Assignments⁸

- A. When it is deemed to be in the best interest of the Town, the Town Manager may authorize the appointment of a trainee to fill an open position in a specialized or skilled trades class subject to the following restrictions:
1. Trainees shall be hired at 10% below the minimum of the rate of pay for the position for which training is being conducted. Trainees who are current Town of Paradise Valley employees and making above 10% below the minimum shall not receive a decrease in pay.
 2. Trainee positions shall not last longer than one calendar year, unless extended by the Town Manager.
 3. Trainees are subject to the probationary period during the entire tenure of the trainee position.
 4. All trainee appointments shall be made in writing and will describe the position for which they are training, the beginning rate of pay, and the evaluation periods.
 5. Once the trainee has successfully completed the probationary period, a performance evaluation will be given and the rate of pay will be adjusted to the minimum of the salary range. Trainees who are current Town of Paradise Valley employees making above the minimum of the salary range will not receive a decrease in pay.

SECTION 505

Internship Program⁹

- A. When it is deemed to be in the best interest of the Town, and subject to the availability of funds, the Town Manager may authorize the appointment of a student intern.
- B. A student intern may be paid in conjunction with a senior level undergraduate academic program, or graduate level academic program, with the objective to complete a specified departmental project.
- C. Paid interns shall be considered temporary employees within the unclassified service as defined in Section 703(B)(3).
- D. Unpaid interns shall be considered volunteers within the unclassified service as defined in Section 703(B)(2).

⁸ Section 504 Added 9/14/00

⁹ Section 505 Added 9/14/00

ARTICLE VI. CHANGES IN EMPLOYEE STATUS

SECTION 601

Promotion

- A. Definition: an employee's change of status from a position in one class to a position in another class whose salary range midpoint is at least 5% higher than the class of the employee's current position. Acting capacities, assignment pay, and re-classifications of positions are not considered promotions.
- B. Vacancies that occur in the classified service may be filled by promotion. However, if in the opinion of the Town Manager, the best interests of the Town would be furthered by open recruitment instead of promotion, then such recruitment shall be conducted. Promotions must be approved by the hiring Department Director and the Town Manager.
- C. Notice of promotional opportunities will be made by posting a notice entitled "Promotional Opportunity" in the Town Hall, Public Safety Building, and the Public Works Building, and through other appropriate means.
- D. Employees requesting a promotion must submit an application to the Personnel Officer.

SECTION 602

Reclassification

- A. Definition: A change in the classification of a position based on a substantial change in job duties. A reclassification is not considered a promotion.
- B. A position may be reclassified to a higher level classification, or the classification may be assigned to a higher salary range. The affected employee may or may not receive a salary increase.
- C. A position may be reclassified to a lower level classification, or the classification may be assigned to a lower salary range. An employee's salary will be frozen if the new maximum is lower than the incumbent's salary. The employee will receive no salary increase until the new maximum salary is higher than the employee's salary.
- D. Reclassifications are not subject to the grievance procedure and are not appealable to the Personnel Appeals Board.

SECTION 603

Transfer

- A. Definition: an employee's change of status from a position in one class to a position in another class with the same midpoint salary plus or minus 2.5%, entails the performance of similar duties, and requires substantially the same basic qualifications.
- B. Vacancies in the classified service may be filled by transfer.
- C. Employees may be voluntarily or involuntarily transferred from one position to another within the same or similar classifications. The transfer must be in the best interest of the Town. Transfers from one department to another

require approval of both Department Directors unless the Town Manager orders the transfer.

- D. Transferred employees retain their merit increase date and rate of pay. All benefit accruals remain the same.
- E. An employee request for a transfer may be initiated by a written request to the affected Department Directors outlining the reasons for the request and the position to be transferred to. The request will be evaluated and a determination made by the affected department directors.
- F. Transferred employees must meet the minimum qualifications for new positions.

SECTION 604 **Voluntary Demotion**

- A. Demotion: an employee's change of status from a position in one class to a position in another class whose salary range midpoint is at least 5% lower than the class of the employee's current position.
- B. Vacancies in the classified service may be filled by voluntary demotion.
- C. An employee request for a voluntary demotion may be initiated by a written request to the affected Department Directors outlining the reasons for the request and the position to be demoted to. The demotion must be made in the best interests of the Town and for the betterment of the employee. All voluntary demotions must be approved by the Town Manager and affected Department Directors.
- D. Employees receiving a voluntary demotion will retain their previous salary if it does not exceed the maximum for the new position. If the salary exceeds that level, employees will receive a pay reduction to the maximum for the new position.
- E. Employees must meet the minimum qualifications for the new position.

SECTION 605 **Resignation**

- A. Employees resigning from the Town must submit a written resignation to their Department Director at least two weeks prior to separation. The resignation must state the effective date of the resignation.
 - 1. Resignations are forwarded to the Personnel Officer by the Department Director.
 - 2. Failure of employees to provide proper notice of resignation may be cause for denial of future employment with the Town.
 - 3. Resigned employees may withdraw their resignation prior to the termination date with consent of the Town Manager.

4. The two weeks notice may be waived by the Town Manager.
- B. At the discretion of the Town Manager, an inexcusable absence of greater than one day may be considered a resignation.

SECTION 606 **Retirement**

- A. Employees retiring from the Town must be in good standing and be eligible to receive benefits from one of the Town's retirement plans.
- B. The maximum retirement age is 65 for members of the Public Safety Personnel Retirement System. There is no maximum retirement age for members of the Arizona State Retirement System.
- C. Employees retiring from the Town must submit written notification to their Department Director at least thirty (30) days prior to the retirement date. The notification is forwarded to the Personnel Officer.

SECTION 607 **Disability**

- A. Employees may be transferred, demoted, or terminated from Town employment for reasons of disability when a mental or physical condition renders them incapable of satisfactorily performing the essential functions of their position, with or without reasonable accommodation as required by law.
- B. If the results of a medical examination indicate that an employee is unable to perform the essential functions of the position and the Town is unable to provide reasonable accommodation, the employee may be placed on available medical leave or any other paid or unpaid leave prior to commencement of disability benefits or termination.
- C. Employees may be eligible to receive disability benefits if they become disabled and unable to perform their job due to an injury or illness. This income protection benefit is governed by the provisions of the Town's Long-term Disability Protection Program for members of the Public Safety Personnel Retirement System and by the provisions of the Town's Short-term Disability Protection Program and the Arizona State Retirement System for all other employees.

SECTION 608 **Involuntary Termination**

- A. Lay-off of Town employees may become necessary due to a lack of work or funds. Positions may be funded for reduced hours or eliminated as necessary to meet budgetary requirements. Regular employees will not be laid off if there are temporary or probationary employees in the same class for which the regular employee is qualified, eligible and available. Incumbents in positions which are reduced in hours or eliminated may apply for other vacancies with the Town for which they possess the minimum qualifications.
- B. A probationary employee may be terminated at any time.

- C. A regular employee may be dismissed for disciplinary reasons. Refer to ARTICLE XIV, Disciplinary and Appeal Procedure.

SECTION 609 **Death**

- A. Upon the death of an employee, all accrued vacation and sick leave shall be paid to the surviving spouse, or, if there is no surviving spouse, to the surviving children, closest living relative, or other person as legally directed by the employee in a will or as required under State law. The payment shall be based on the hourly rate of pay last earned by the employee and on the number of vacation and sick hours accrued at the time of death.

SECTION 610 **Entitlements at Separation**

A. Sick Pay

1. At the time of resignation or retirement, an employee with ten (10) or more years of continuous service shall receive the cash value of accumulated sick leave under Section 904, and calculated as set forth below.
2. If the employee has worked for the Town at least ten years but fewer than fifteen years, then the cash value shall be computed by multiplying the employee's current hourly wage by one-half of the number of hours of sick leave accumulated under Section 904.
3. If the employee has worked for the Town fifteen years or longer, then the cash value shall be computed by multiplying the employee's current hourly wage by the total number of hours of sick leave accumulated under Section 904, to a maximum of 480 hours, plus the employee's current hourly wage by one-half of the number of hours of sick leave accumulated in excess of 480 hours.

SECTION 611 **Exit Interview**

- A. The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for channeling these views to management. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, to provide a tool to identify and resolve organizational problems, and to process the required documentation.
- B. The Town Manager or Personnel Officer may conduct an exit interview with each regular employee separating from Town employment. The separating employee may also be asked to complete an exit questionnaire. The exit interview may be declined by the employee.
- C. The Personnel Officer shall provide information about COBRA, 457 plans, retirement benefits and other information either during the exit interview, or by letter.

ARTICLE VII. CLASSIFICATION PLAN

SECTION 701

Description

- A. The Town Manager is responsible for the establishment and maintenance of a classification plan, subject to approval of the Council.
- B. Positions are assigned to a classification based on the nature and level of duties and responsibilities. All positions in the same classification should be sufficiently alike to permit use of a single descriptive title, the same qualification requirements and the same salary potential.
- C. Positions may be reclassified on the basis of change in the duties and responsibilities or qualifications for the position. See Section 806.
- D. The classification plan provides job titles for all positions, distinguishing features of the classification, examples of work performed, required knowledge, skills and abilities, desirable training and experience, and other requirements deemed necessary. Positions requiring special licensing or requirements will include such statement.
- E. Job specifications are descriptive only and are not restrictive in nature. Supervisors may assign different tasks to a position when the duties are similar in kind and responsibility to those described in the specification.

SECTION 702

Classified Service

- A. The classified service includes all employees whose positions have been approved and budgeted by the Town Council in the line items "Salaries" and have not been included in the unclassified service.
- B. Tenure of employees in the classified service is subject to satisfactory work performance, necessity for the position, the availability of funds, or other appropriate reason.

SECTION 703

Unclassified Service

- A. The unclassified service includes employees in positions which must be responsive to Town Council. Employees within the unclassified service are at-will employees; employment is subject to termination by the employee or the Town at any time for any reason, unless otherwise stated in a written contract of employment.

- B. The following positions are unclassified:

- 1. All Town officers appointed by the Town Council:

- * Town Manager
- * Town Attorney
- * Town Marshal
- * Town Engineer
- * Town Clerk

- 2. Volunteers and personnel appointed to serve without pay.

- a. Non-exempt Town employees may not perform volunteer service for the Town when the volunteer hours involve the "same type of services"

(as defined by the Fair labor Standards Act) for which the individual is currently employed.

3. Temporary employees
4. Probationary employees.

ARTICLE VIII. SALARY ADMINISTRATION

SECTION 801

Pay Plan

- A. The Town Manager administers a pay plan covering all classified positions. In arriving at salary ranges, consideration may be given to external market comparisons, internal equity, and budget constraints.
- B. The pay plan may be from time to time amended by the Town Council upon recommendation of the Town Manager.

SECTION 802

Salaries for Unclassified Positions

- A. Salaries for the Town Manager and Town Attorney are determined by Town Council.
- B. Job responsibilities for the unclassified positions of Town Clerk, Town Engineer, and Town Marshal may be assigned to employees in classified positions.

SECTION 803

Salary Adjustment for Classified Employees⁶

- A. The Town Manager shall develop a Standard Operating Procedure for the administration of salary adjustments.
- B. The Standard Operating Procedure may be amended, changed, or rescinded.
- C. The Town Manager may, in situations where direct application of the Classification and Compensation Plan and annual performance evaluation with merit salary adjustment do not fairly and equitably compensate employees, make a special adjustment of up to 5% salary increase. This special salary adjustment shall only be made once per 12-month period in situations where the Town Manager determines a salary increase to be necessary and appropriate, considering job responsibilities and/or extraordinary performance of the employee. Situations which may be subject to special adjustment include:
 - 1. When an employee has assumed additional compensable duties and/or responsibilities that are not adequately compensated through administration of the Classification and Compensation Plan.
 - 2. When an employee demonstrates sustained excellent performance that is not adequately compensated by annual performance evaluation and merit pay increase.

⁶ Section 803 Revised 7/14/00
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SECTION 804
Employees

Special Awards Programs for Classified

- A. The Town Manager may develop Standard Operating Procedures for implementation of special awards programs.
- B. The Standard Operating Procedure may be amended, changed, or rescinded.

SECTION 805

Promotion

- A. Employees who are promoted will receive at least 5% promotional salary increase. An employee's new salary, after the promotional increase, must be within the salary range for the class to which the employee has been promoted (e.g.: above minimum and below maximum). If the new salary, after the promotional increase, remains below the minimum of the new position's salary range, an additional amount will be granted to bring the incumbent's salary to at least the minimum salary for the range.
- B. Upon promotion, a promoted employee will receive a performance evaluation and may receive a prorated merit increase based on the number of months elapsed since the last merit increase date. The merit increase award is applied to the employee's base salary prior to the application of the promotional increase. Subsequent merit increases will be as set forth in the Standard Operating Procedure.

SECTION 806

Reclassification

- A. An employee will generally not receive a salary increase if the employee's salary is within the salary range of the reclassified position. Exceptions may be made and a salary increase granted by the Town Manager under circumstances where the employee has been assigned additional responsibilities.

SECTION 807

Exempt Employees¹⁰

- A. Employees exempt under the Fair Labor Standards Act (FLSA) are expected to work, on average, a 40 hour work week.
- B. Exempt employees may use paid leave of absences such as sick leave, vacation leave or other paid leave, for absences of less than one day.

SECTION 808

Special Assignment

- A. Employees may be assigned temporarily by their Department Director to duties outside the classified service, to specialized duties in addition to or in lieu of regular duties. Special assignments may be for specified or indefinite periods of time. Compensation for special assignments may be established by Council or by the Town Manager.
 - 1. Special assignments are for indefinite periods of time; and qualifications, selection, assignment, and reassignment are not appealable.

¹⁰ Section 807 Revised 9/14/00
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Handbook Adopted: 2/26/98

2. Employees on special assignment may receive assignment pay that is immediately discontinued when the employees return to their regular positions. The amount of assignment pay is established based on each special assignment.
3. Employees on special assignment lose no rights or entitlements held in their regular positions.

B. Acting Capacities

1. An employee is in an acting capacity when assigned to a higher classification, and fully performing all of the duties of that job, on a temporary basis in the absence of a permanent incumbent for two or more weeks.
2. A standard 5% assignment pay is to be paid when the acting capacity is two or more weeks, retroactive to the first day of the acting capacity assignment. If the salary range minimum of the class in which the employee is in an acting capacity is more than 5% higher than the employee's current salary, the adjustment will be to the minimum of the salary range.
3. Exempt employees who, as a result of their acting capacity, exceed their normal work week hours, may receive additional compensation or leave at the discretion of the Town Manager.

SECTION 810

Overtime

- A. It is the Town's policy to avoid overtime work whenever possible.
- B. Department Directors and supervisors are responsible for advance planning to minimize the use of overtime. Whenever possible overtime must be approved in advance by the Department Director or designee or as soon as possible in the event of emergency conditions.
- C. Non-exempt employees who perform work in excess of forty (40) hours within their work week, will be compensated at the rate of one and one-half (1.5) times the employee's regular rate of pay or accrue compensatory time at the rate of one and one-half (1.5) times overtime hours worked (See also overtime guidelines in the Fair Labor Standards Act.).

- D. Overtime pay is calculated to the nearest quarter of an hour, in accordance with federal labor laws. For example, if an employee worked 8 minutes overtime, it would be rounded to the nearest quarter of an hour, and the employee would be compensated for 15 minutes overtime. Time under 8 minutes is considered de minimis (“minor” or “trivial”) and is not subject to overtime compensation.
- E. At the direction of the Department Director or designee, an employee's work schedule may be adjusted within the work week. Schedule adjustments may not carry over to a successive work week.
- F. Department Directors may grant compensatory time to non-exempt employees for hours worked in excess of the established work week. Generally, an employee’s work schedule should be adjusted to avoid overtime within a work week. Department Directors may adjust the weekly work schedule to avoid overtime at the end of the work week.
- G. Employees who participate in required training are paid only for actual time in training sessions.
- H. Overtime will be paid for travel time only if travel time is compensable under the FLSA. Employees who are on out-of-town business for the Town will be compensated only for actual hours worked.
- I. Overtime is based exclusively on the amount of time worked each work week. An employee will not be paid overtime if the weekly total actually worked is less than 40 hours. Vacation, sick and holiday hours (excluding the extra holiday pay for certain sworn police officers and dispatchers) will count towards actual hours worked.
- J. FLSA Section 207(k): If a work period has been declared by the Police Chief for specific categories of sworn police officers, and approved by the Town Manager, overtime will be paid in accordance with Departmental Rules, as approved by the Town Manager and on file with the Management Services Department for payroll.
- K. Exempt employees may on occasion receive informal paid leave called exempt time for time worked in excess of their usual work schedules. Exempt time is given at the discretion of the Town Manager. Exempt time is based on an informal agreement between the exempt employee and Town Manager for which the employee has no claim or property rights.

SECTION 811 **Standby Duty⁴**

- A. Non-exempt employees who are required to work unrestricted standby duty (assignments which require the employee be available to report to work, but not necessarily restricted to their home) may receive, based on the Town Manager’s authorization, one hour of pay for each regular scheduled workday and two hours of pay for each non-scheduled workday while on standby duty.

⁴ Section 811 Added 4/8/99
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Handbook Adopted: 2/26/98

ARTICLE IX. FRINGE BENEFITS

SECTION 901

Eligibility for Fringe Benefits¹

- A. For full-time and part-time employees, eligibility for fringe benefits, except health, dental, disability, and life insurance, begins on the first day of paid employment. Temporary employees shall not be entitled to fringe benefits, except State Retirement (if required by State law), holidays and Worker's Compensation Insurance. If a temporary employee is converted to regular status, eligibility for fringe benefits shall begin on the first day worked as a temporary employee.

SECTION 902

Health and Life Insurance

- A. The Town's Group medical, dental and life insurance plans allow for full-time employees and part-time employees who work 30-40 hours per week to begin coverage as specified by the group insurance contract.
- B. Group insurance includes medical, dental, and life.
- C. Full-time employees and part-time employees who work at least 30 hours per week are eligible for group coverage. Part-time employees who have a status change to work at least 30 hours per week and have completed 90 days of continuous service will be eligible for group insurance coverage on the date specified by the group insurance contracts.
- D. Covered employees may elect family coverage for their eligible dependents. The Town may pay a portion of the incremental premium for family coverage, as established by Town Council Action.
- E. Details of coverage are as specified in the insurance provider's benefit plan booklet.
- F. The employee's share of the family coverage premium is deducted from paychecks the month before the effective coverage.

SECTION 903

Worker's Compensation Insurance

- A. All Town employees are covered by Workers' Compensation Insurance beginning with the first day of employment. Workers' Compensation provides State proscribed medical and hospitalization expense benefits, as well as partial compensation in lieu of salary for lost time for workers injured on the job.
- B. If an employee wishes to reject coverage by Workers' Compensation Insurance, such choice must be made in writing and filed with the Personnel Officer prior to any injury (A.R.S. 23-906.B.)
- C. Unless rejection of Workers' Compensation is made in accordance with Section 903 (B), Workers' Compensation is the only coverage the employee has for on-the-job injuries and illness.
- D. Every employee must immediately report every job related injury or illness, regardless of severity, to their supervisor. The supervisor must complete a report of industrial injury and immediately submit it to the Personnel Officer.

¹ Section 901 Revised 12/17/98, 10/14/03 §902.A,C Revised 09/12/02, 10/14/03
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- E. An employee returning from Workers' Compensation leave must notify their supervisor of their intent to return to work, and must provide a work release from the health care provider attesting that they are able to resume their normal work duties or modified work duties. The work release must be accepted by the Personnel Officer prior to the employee's return to work.
- F. Compensation for lost time for all employees
1. If an employee is injured while on duty, the Town will supplement the injured employee's Workers Compensation wages unless the injury was a result of gross misconduct. Supplemental pay will be paid only if the employee cannot return to duty (regular or modified), as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town directly or through its workers' compensation insurance provider.
 2. The employee's inability to work in a capacity assigned by the Town, including inability to work modified duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible for the supplemental benefits plan.
 3. The employee must comply with risk management requirements such as evaluations for modified duty or participation in rehabilitation services and programs for the employee to remain eligible for the supplemental benefits plan.
 4. Town will continue to pay its share of any group health plan insurance premium and the employee shall continue to pay his or her share, if any. If the employee is not receiving sufficient compensation from the Town to cover his or her share of the premium, the employee shall make arrangements with the Human Resources and Finance Departments to make payments for his or her share of the premium. If payment is more than 30 days overdue, the Town shall provide written notice to the employee that payment has not been received and that coverage will be dropped. The notice shall be mailed to the employee at least 15 days before coverage is to be dropped. If the Town pays any of the employee's share of group health plan premiums, the Town may require the employee to reimburse the Town for the employee's share. If coverage is dropped, it shall be dropped retroactively to the date the unpaid premium payment was due and the provisions of the federal COBRA law shall apply.
 5. Lost time for Workers' Compensation in excess of three days will run concurrent with family medical leave.
 6. An employee will be compensated for medical appointments covered by Workers' Compensation benefits actually taken during the employee's regularly scheduled work day and will not be required to use sick leave. Whenever possible, such appointments shall be scheduled during non-work hours.

F. Compensation for lost time for nonpublic safety employees

1. An adjustment will be made to the nonpublic safety employee's pay to reflect the difference between regular wages and Workers' Compensation payments; so that the employee will continue to receive the same net pay prior to the injury or illness exclusive of overtime. This supplemental pay will not exceed twelve weeks, except under extraordinary circumstances approved by the Town Manager. Lost time for Workers' Compensation in excess of three days will run concurrent with family medical leave. After twelve weeks, the employee can use available sick time or vacation time to supplement Workers' Compensation payments, so that the employee will continue to receive the same net pay prior to the injury or illness, exclusive of overtime.
2. The employee's sick and vacation leave accruals will continue to accrue while the employee is participating in the supplemental benefits plan.

G. Compensation for lost time for public safety employees

1. "Public safety employee" shall be defined as an individual who is a member of the Public Safety Personnel Retirement System (PSPRS).
2. Pursuant to A.R.S. §38-961, the Town of Paradise Valley is required to provide a supplemental benefits plan for eligible public safety employees who are injured on the job and unable to perform the functions of their position. The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.
3. Supplemental pay will be paid only if the employee cannot return to duty (regular or modified), as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by its workers' compensation insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work modified duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible for the supplemental compensation plan.
4. An adjustment will be made to the employee's pay to reflect the difference between the employees base pre-injury salary, less taxes and Workers' Compensation benefits paid to the employee under A.R.S. §38-961, and any voluntary deductions on the part of the employee. This supplemental pay will not exceed six months, except under extraordinary circumstances approved by the Town Manager. After six months, the employee may use available sick time or vacation time to supplement Workers' Compensation payments, so that the employee will continue to receive the same pre-injury salary, exclusive of overtime.
5. The Town will pay both employer and employee contributions to the Public Safety Personnel Retirement System as based on the employee's pre-injury salary.

6. The employee will receive credit for service in the Public Safety Personnel Retirement System at the same accrual rate as pre-injury.
7. The employee's sick, vacation, personal and compensatory leave accruals will stop accruing while the employee is participating in the supplemental benefits plan.
8. An employee's sick, vacation, personal and compensatory leave balances shall not be decreased while the employee is participating in the supplemental benefits plan, unless after six months the employee uses available sick time or vacation time to supplement Workers' Compensation payments, so that the employee will continue to receive the same net pay prior to the injury or illness, exclusive of overtime.

Revised 09/13/2012

SECTION 904

Sick Leave

- A. Full-time employees shall accrue 3.7 hours of sick leave each pay period, equivalent to 12 days per year.
- B. Part-time employees who are scheduled to work more than 20 but less than 30 hours a week shall be credited 50% of the full time sick leave. Those employees scheduled to work more than 30 but less than 40 hours a week shall be credited 75% of the full time sick leave.
- C. An employee is eligible for the accrual of sick leave if the employee receives any pay during the pay period.
- D. Sick leave includes all periods of approved absence with pay granted an employee due to:
 1. Illness or injury which renders the employee unable to perform the duties of the position.
 2. Illness, injury, examination or treatment by a health care provider of a member of the employee's immediate family. For the purpose of this section the term immediate family means the employee's spouse, child, and parent.
- E. Each Department Director or supervisor is responsible for control of abuse of the sick leave privilege. Abuse of sick leave may be subject to discipline. Employees utilizing sick leave may be required at any time to furnish a certificate from their health care provider, stating the nature of the illness or injury. Any employee absent from work on sick leave shall notify the appropriate Department Director or supervisor during the first hour of the first day of leave and as often thereafter as directed.
- F. Sick leave shall not be used in lieu of vacation nor shall it be used in addition to vacation.
- G. If an employee is sick or injured but has no accumulated sick or vacation leave, then the employee may take unpaid leave at the discretion of the Town Manager. No monetary compensation will be paid to an employee who does not have accrued paid leave time remaining. The Town will not pay in advance of earning sick time hours or vacation hours.

- H. An employee who is absent more than three work days may be subject to the Family Medical Leave Act. Employees who will be absent for medical reasons for more than three days must immediately notify the Department Director, regardless of whether the leave is paid sick leave, paid vacation leave, or unpaid leave. The Department Director is responsible for ensuring the Personnel Officer is immediately notified of absences of more than three days.
- I. Accrued sick leave shall be cumulative from year to year, except as noted in Section 904 J. Sick leave is a privilege provided by the Town as a guarantee against loss of wages during illness. No monetary compensation for unused sick leave shall be paid to any employee upon termination of employment except as stated in Section 610.
- J. Sick leave accumulated in excess of 480 hours must be converted on the 15th of December each year to either vacation time or cash value. If converted to vacation time, the conversion shall be one hour of vacation for every two (2) hours of accumulated sick leave in excess of 480 hours. If converted to cash value the conversion rate shall be made at 50% of the employee's current hourly wage multiplied by the number of hours in excess of 480 hours.
- K. Upon request, an employee shall provide a written release to return to work from a qualified health care provider. The release must be accepted by the Personnel Officer prior to the return to work.
- L. Donation of Vacation and Sick Leave: Vacation and Sick may be donated to other employees on extended Family Medical Leave and who have exhausted their paid leave accruals. The following stipulations apply:
1. Vacation and sick may be donated by any employee to any other employee who has exhausted all of their paid leave accruals (sick, vacation) because of a medical condition as verified by a health care provider. Employees who are eligible for disability benefits are prohibited from receiving both disability benefits and donated hours at the same time.
 2. The employee donating vacation time must have at least 80 hours remaining after the donation. The employee donating sick time must have at least 160 hours remaining.
 3. If an employee wishes to donate hours, an Authorization for Voluntary Leave Donation and Transfer form, signed by the donating employee indicating the number of hours donated and to whom, shall be submitted to the donating employee's Department Director for approval. Once approved, the form will be forwarded to the Personnel Officer to verify vacation and/or sick and make the appropriate adjustments.
 4. The donated vacation leave will be hour-for-hour (1 to 1), regardless of the employee's rate of pay, and credited to the employee's sick leave bank by the Personnel Officer.
 5. The donated sick leave will be two hours to one hour (2 to 1), regardless of the employee's rate of pay, and credited to the employee's sick leave bank by the Personnel Officer.
 5. Donated hours will be credited from the date the receiving employee exhausts paid leave.
 6. Upon issuance of a health care provider's release back to duty (either regular or modified duty where offered), no further donated leave will be transferred to the receiving employee.

7. Hours will be used in the order they are donated by pay period. If any hours remain unused in the receiving employee's sick leave bank, they will be returned to the donating employees in reverse order of contribution (last in, first out) based on the date the donating employee signed the Authorization for Voluntary Leave Donation and Transfer form. In the event more than one employee donated leave on the same day, the hours will be split proportionately based on their amount of respective donations.

Revised 9/24/2020

SECTION 905 **Annual Vacation Leave³**

- A. All full-time employees, except department directors, shall be entitled to the following annual vacation accrual:

<u>Years of Service</u>	<u>Annual Vacation Accrual</u>
1 - 4*	80 hours
5 - 10**	120 hours
11 or more***	160 hours

- * Each employee will receive 3.08 hours of vacation time each pay period.
- ** Each employee who completes 48 months of employment will begin to earn 4.62 hours of vacation time each pay period after the 48th month of employment
- *** Each employee who completes 120 months of employment will begin to earn 6.16 hours of vacation time each pay period after the 120th month of employment.

- B. Department directors shall be entitled to the following annual vacation accrual:

<u>Years of Service</u>	<u>Annual Vacation Accrual</u>
1 - 4*	120 hours
5 or more**	160 hours

- * Each director will receive 4.62 hours of vacation time each pay period.
- ** Each director who completes 48 months of employment will begin to earn 6.16 hours of vacation time each pay period after the 48th month of employment

- C. Part-time employees who are scheduled to work more than 20 but less than 30 hours a week shall be credited 50% of the full time annual vacation leave. Those employees scheduled to work more than 30 but less than 40 hours a week shall be credited 75% of the full time annual vacation leave.

- D. Vacation hours will be accrued each payroll. An employee is eligible for the accrual of vacation leave if the employee receives any pay during the pay period.

- E. Each employee is encouraged to utilize all earned vacation leave annually.

- F. Each Department Director or supervisor shall be responsible for scheduling vacation periods of department employees in a manner consistent with the efficient functioning of the department. Department Directors and supervisors will give as much consideration as possible to the employee. However, time off from work requires scheduling on the part of the supervisor.

³ Section 905 Revised 2/25/99
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1. Vacation duration of one week or more should be requested at least two weeks in advance. Individual days or other short time vacation increments shall be requested no less than one day in advance.
 2. All requests are subject to approval by the appropriate Department Director or designee. It is recognized that special circumstances may arise reducing the advance notice given, and Department Directors and supervisors may consider these special circumstances in approving vacation schedules.
- G. At January 1 of each calendar year, the maximum allowed accrued vacation hours will be double the employee's annual accrual based on years of service in Section 905A. Excess vacation hours must be used by January 1 of each calendar year, or the hours in excess of the maximum will be forfeited.
- H. Upon termination, employees shall be paid for unused vacation leave at their current rate of pay.

SECTION 906 **Disability Insurance**

- A. Employees Covered by State Retirement System
1. Short Term Disability Insurance: All employees regularly scheduled to work at least 30 hours each week are eligible for Short Term Disability Insurance benefits the first day of the calendar month after completing 90 consecutive days of employment. Copies of the disability plan and group insurance are available from the Personnel Officer.
 2. Long-term Disability: The State Retirement System provides long-term disability benefits. The waiting period is six months from the start of the disability, or as otherwise established by law.
- B. Employees Covered by Public Safety Retirement System:
1. Long Term Disability Insurance: A sworn police officer regularly scheduled to work at least 30 hours each week is eligible for Long Term Disability Insurance on the first day of the calendar month after completing 90 consecutive days employment. Copies of the disability plan and group insurance are available from the Personnel Officer

SECTION 907 **Military Leave**

- A. An employee who requests absence with pay on military leave pursuant to A.R.S. 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave to the Department Director. The Department Director will forward a copy of the orders to the Personnel Officer.
- B. Employees shall be granted paid military leave for annual training for a period not to exceed thirty work days in any 24 month period.
1. For military duty in the armed services of the United States, the 24 month period will commence on the fiscal year of the United States (October 1) pursuant to A.R.S. 38-610.

2. For military duty in the national guard, the 24 month period will be 24 consecutive months back from the time of leave pursuant to A.R.S. 26-168.

- C. The Town will pay the employee's full salary for the time absent due to authorized military active duty training as set forth in (B) above. The amount received from the armed services for active duty will be retained by the employee. Military leave in excess of 30 work days will be charged to accrued vacation or leave without pay as authorized by the Town Manager.

SECTION 908

Jury Leave

- A. Full-time employees who are subpoenaed as a witness or summoned for jury duty during their regularly scheduled work hours are entitled to regular compensation, exclusive of overtime, while serving, unless the employee is named plaintiff or defendant in litigation which does not arise out of employment with the Town. The Town will pay the difference between the employee's salary and any fee received, upon submission to the Personnel Officer of proof of service and amount of fee. The employee may retain any travel pay received.
- B. Employees must notify their supervisors immediately of a subpoena or summons that will require absence during the work day and receive advance approval for court leave.

SECTION 909

Family and Medical Leave Act Benefits⁴

- A. Eligibility: An employee must be employed by the Town for at least twelve consecutive months and must have worked for at least 1,250 hours during the prior twelve month period.
- B. Eligible employees are entitled to 12 work weeks of leave without pay during a 12 month period pursuant to section 909C. A rolling 12-month period measured backward from the date the employee uses FMLA leave will be used to calculate the 12 month period. Leave will be without pay, unless the employee has accumulated sick leave or vacation leave.
- C. Leave may be taken for:
1. The birth of the employee's child.
 2. The adoption or placement of a child with the employee.
 3. To allow the employee to care for their spouse, child or parent with a serious health condition (note: the term "care of" is broadly interpreted under the FMLA and encompasses both physical and psychological care.)
 4. The employee having a serious health condition.
- D. A serious health condition is defined as an illness, injury, impairment or physical or mental condition requiring inpatient care in a hospital, hospice or residential health care facility, or continuing treatment or supervision by a health care provider.

- E. Limitations:
1. If a husband and wife are both employed by the Town, they would be eligible for a combined 12 week leave in a 12 month period if leave is for the birth, adoption or placement of a child.
 2. In certain circumstances an eligible employee may be entitled to take their leave intermittently (that is, one week in January, four hours in February etc.) or on a “reduced leave schedule” when medically necessary.
 3. When leave is taken due to the birth or adoption or placement of a child, leave may NOT be taken intermittently or on a reduced leave unless the employee and Town agree otherwise;
- F. When leave is requested due to the expected birth, adoption or placement of a child, the employee must give 30 days notice of the leave. If the actual date of birth or adoption or placement is unknown, the employee must provide notice as soon as possible.
- G. When leave is required due to (1) a family member’s or the employee’s own serious health condition, and (2) the leave is foreseeable based upon a planned medical procedure, the employee must (a) give at least 30 days notice or as soon as possible, and (b) make as reasonable effort to schedule treatment so as to not unduly disrupt the Town’s operations.
- H. The Personnel Officer may require the employee to produce “in a timely manner” and at the employee’s expense, a certificate from a health care provider verifying the condition. The Personnel Officer may, at the Town’s expense, require a second or third medical opinion and periodic re-certifications. The Town may require periodic reports during the leave regarding the employee's status and intent to return to work.
- I. An employee who returns to work at the end of leave or 12 weeks, whichever is sooner, is entitled to be restored to his/her previous job or to an equivalent job with equivalent pay and benefits. During any unpaid FMLA leave, an employee is not entitled to an accrual of seniority or employment benefits such as vacation, holiday or sick pay. Any benefits accrued before leave began cannot be lost. Exception: the Town does not have to reinstate an exempt employee who is among the highest paid 10% of the employer's work force under certain conditions.
1. Before returning to work, employees must notify their supervisor of their intent to return to work, and must provide a work release from the health care provider attesting that they are able to resume work. The work release must be accepted by the Personnel Officer prior to the employee's return to work.
- J. During FMLA leave, the Town will maintain group health insurance coverage for an employee whenever such insurance is provided before the leave began, and on the same terms as if the employee had continued to work. If necessary, arrangements will be made for employees to pay their share of dependent health insurance premiums while on leave. In some cases, the Town may be entitled to recover premiums it pays to maintain health coverage for an employee who fails to return to work from the FMLA leave.

- K. All Family Medical Leave Requests must immediately be sent to the Personnel Officer for record and reporting purposes.
- L. The Department Director must notify the Personnel Officer of all absences for medical leave reasons that exceed three work days, regardless of whether sick leave, vacation leave, or unpaid leave is used. The Personnel Officer will determine if the absence is under the FMLA.
- M. Employees shall utilize any available sick leave or vacation leave concurrent with any leave requested under the FMLA.
- N. An employee on Family Medical Leave who is receiving vacation or sick leave pay will continue to be paid for holidays while on leave and accrue vacation and sick leave. An employee who does not receive any pay during a pay period will not be entitled to holiday pay nor accrue any vacation or sick leave.
- O. Any employee who does not return to work after the expiration of the greater of 12 weeks of Family Medical Leave or accrued vacation/sick leave (when entitled to use this) may be terminated.
- P. Family Medical Leave will run concurrently with absence due to a Workers Compensation injury. At the end of the 12 weeks, the status of the employee will be reviewed to determine the prognosis for return to normal duties.

SECTION 910 Holidays

- A. Holidays observed by the Town are:

New Year's Day	Labor Day
Civil Rights/MLK Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
- B. When a holiday date falls on a Saturday, the preceding Friday shall be observed as a holiday. When a holiday date falls on a Sunday, the following Monday shall be observed as a holiday. Public safety and other essential service employees may be required to work on holidays.
- C. Work on Holidays: Employees, except those employees covered under Section 910 (E and F), who are required to work on a paid holiday shall receive overtime pay for the time actually worked in addition to the holiday pay.
- D. Holiday Pay for Alternative Work Schedules:
 1. When a holiday falls on a scheduled work day for an employee on an alternative work schedule, except for those employees covered by Section 910(E and F), the employee shall receive holiday pay for eight hours. For example, the employee would actually work 32 hours during the holiday week, and be paid 8 hours holiday pay, totaling 40 hours.

- E. Holiday Pay for Dispatchers, Officers and Supervisors assigned to Patrol. Dispatchers, Officers and Supervisors assigned to Patrol will receive 8 accrued hours in the pay period the holiday falls.
1. If the above listed employees work a regular shift on the date of the holiday, holiday hours will count towards hours worked and will be eligible to be paid or banked at the over-time (1.5) rate (12 hours).
 2. Employees who do not work a regular shift on a holiday may choose one of the following at the regular time rate:
 - a. Bank 8 hours for use as paid time off in the future.
 - b. Be paid 8 hours in the pay period it occurs.
 3. All eligible employees may:
 - a. Be paid all unused accrued holiday hours at the end of the calendar year.
 - b. Be paid all but 16 unused accrued holiday hours at the end of the calendar year and carry-over the remaining 16 hours into the following year.
 - c. Carry-over a maximum of 16 hours of holiday time over to another calendar year.
 4. Upon separation employees will be paid out all accrued and unused holiday hours.
- F. Holiday Pay For Part-Time Employees: Part-time employees who are scheduled to work more than 20 but less than 30 hours a week shall be paid 4 hours holiday pay. Part-time employees who are scheduled to work more than 30 but less than 40 hours a week shall be paid 6 hours holiday pay.

SECTION 910 E Revised 10/08/2020

SECTION 911

Bereavement Leave

- A. A full-time employee may be granted up to **forty hours** of paid bereavement leave due to a death in the employee's immediate family. Such leave shall not be chargeable to sick or vacation leave. Part-time employees who work more than 20 and less than 30 hours a week may receive two days of paid bereavement leave. Part-time employees who work more than 30 and less than 40 hours per week may receive up to three days paid bereavement leave.
- B. For the purpose of this section a day is defined as eight hours.
- C. For the purpose of this section the term immediate family means the employee's spouse, child, mother [in-law], father [in-law], sister [in-law], brother [in-law], grandparent and grandchild.
- D. Special leave of absence with pay may be granted by the Town Manager to allow co-workers to attend memorial/funeral services for a co-worker, allowing sufficient local travel time to and from the service site. Such leave is not to be charged to any of the employee's accrued vacation, sick or bereavement leave.

SECTION 912

Voting Leave

- A. Employees shall have adequate time to vote. To comply with the Arizona State Statutes (ARS 16-402), the Town will allow employees paid leave from work when the following conditions are met:
1. The employee must be eligible to vote at an election held within the State of Arizona on the day of election.
 2. There are less than three consecutive hours between the opening of the polls and the beginning of the employee's regular work shift and less than three consecutive hours between the ending of employee's work shift and the closing of the polls.
 3. The employee must obtain prior approval from the supervisor.
 4. Two hours is the maximum time allowed for voting.
 5. The time off with pay must be used to vote.
 6. If requested, an employee must be able to show proof of status as a registered voter.

SECTION 913

Personal Leave⁵

- A. Full-time employees hired prior to June 30 are eligible for two personal days each calendar year, one personal day if hired between July 1 and September 30 and zero personal days if hired after September 30. Part-time employees who work more than 30 and less than 40 hours per week will receive up to twelve hours if hired prior to June 30, up to six hours if hired between July 1 and September 30 and zero hours if hired after September 30. Part-time employees who work more than 20 and less than 30 hours per week will receive up to eight hours if hired prior to June 30, up to four hours if hired between July 1 and September 30 and zero hours if hired after September 30. This leave may not be carried over to successive years.

SECTION 914

Special Leave Without Pay

- A. Regular employees may be granted leave without pay with the Town Manager's approval for the following reasons:
1. To receive an education that will improve the employee's value to the Town. The request must include the length of time to be taken, course work, and the benefit to the Town.
 2. The employee is sick or injured but has insufficient accumulated sick or vacation leave.
 3. For other purposes as deemed by the Town Manager to be in the Town's best interest.
- B. A leave of absence request form approved by the Department Director and the Town Manager, indicating the specific date when the leave of absence will end, shall be submitted to the Personnel Officer. An employee who fails to return to work on or before the ending date of the leave shall be considered absent without leave.
- C. Employees on special leaves without pay that exceed 30 days are responsible for the payment of the entire health and life insurance premium for the applicable coverage. Each such employee must submit the payment directly to the Personnel Officer.

SECTION 915

Retirement

- A. All regular employees, except police officers, are participants in the Arizona State Retirement System.
- B. Police officers are participants in the Public Safety Personnel Retirement System. Police officers who are age 50 at the time of hire may be required to participate in the Arizona State Retirement System instead of the Public Safety Personnel Retirement System.

SECTION 916

Deferred Compensation

- A. Employees are eligible to participate in the Town's Deferred Compensation Plan (Section 457 of the Internal Revenue Code).

⁵ §913.A Revised 09/12/02

SECTION 917

Reimbursement for Tuition⁵

- A. Subject to funding availability, the Town may assist employees in their pursuit of additional training and higher education in courses related to their Town employment responsibilities and promotion opportunities, including core courses in a degree program, but excluding non-job related electives.
 - 1. The cost of testing in lieu of taking a course may also be paid, subject to the same limitations for reimbursement.
- B. Courses must be from a fully accredited college, university or approved technical/trade/business school.
- C. Each employee who wishes to be reimbursed must receive a written commitment from the Town Manager prior to enrolling in a course.
- D. Reimbursement will be paid at the rate of the average tuition charged per credit hour at Arizona State University, or the actual rate, whichever is less, times the number of credits successfully acquired. Reimbursement shall be paid at the end of each semester upon presentation of proof of each course passed with a "C" grade or higher, or its equivalent where letter grades are not used, for undergraduate classes, and grade "B" or higher for graduate classes, and presentation of receipt for tuition costs.
- E. Full-time employees working at least 40 hours per week shall receive tuition reimbursement at 100%. Part-time employees who are scheduled to work more than 30 hours but less than 40 hours a week shall receive tuition reimbursement at 75%. Part-time employees who are scheduled to work more than 20 hours but less than 30 hours a week shall receive tuition reimbursement at 50%.
- F. Employees shall not be reimbursed for non-tuition expenses such as administration fees, lab fees, books, recreation fees, etc.
- G. The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source. When applying for tuition reimbursement, the employee shall notify the Personnel Officer of any financial assistance received from an outside source.
- H. Police reserve officers who have been sponsored by the Paradise Valley Police Department in an academy are eligible for reimbursement of the cost of the academy after successful completion of the field training program and one year of satisfactory service as a reserve officer with the Town.
- I. Employees who terminate employment with the Town shall reimburse the Town for any tuition assistance received in the prior twelve months of employment.

⁵ Section 917 Revised 4/8/99
P:\Policies & Procedures\0 Town of Paradise Valley HR Policies and Procedures Rev.docx
Handbook Adopted: 2/26/98

ARTICLE X. WORK PERIODS

SECTION 1001 Breaks

- A. Meal breaks are established by the department.
1. The general policy of the Town is that all employees shall eat on their own time. They shall be allowed to cease work for a meal break to be specified by the Department Head or designee.
 2. Certain Police Department employees designated by the Police Chief, shall receive a paid meal period. In order to qualify for paid meal breaks, employees must be on call during their entire work shift and respond to duty during meal periods if necessary.
- B. Work breaks may be granted by the Department Director and may be granted to specific employees based on working conditions and work loads. Work breaks are not an automatic right of the employee. When work breaks are granted, they may not be taken at the beginning or end of a work shift, immediately before or after lunch, or be applied towards an alternate work schedule, or be used as leave time from the job. Inherent in the practice of allowing breaks is the absolute necessity of having personnel available at all times to assure coverage of telephone and public contact locations. Work demands may preclude the granting of a work break.

SECTION 1002 Work Weeks

The following work weeks may be approved by the Department Director:

- A. 5 - 8's. In this schedule, the employee works five 8-hour days; completing a 40-hour work week in five days, usually Monday through Friday.
- B. 4 - 10's In this schedule, the employee works four 10-hour days, completing a 40-hour work week in four days out of the work week.
- C. 9 / 80 A work week can begin on any day and at any hour. The day opposite the day off will be split into a 4-hour/4-hour (4 hours in the first work week, 4 hours in the second work week).
- D. Other schedules may be used as approved by the Town Manager.

SECTION 1003 Declaring Work Periods for Law Enforcement

- A. Pursuant to the partial overtime exemption of section 207(k) of the FLSA, the Police Chief may declare in writing work periods for sworn police officers, subject to the approval of the Town Manager and in conformance with Arizona State Statutes. A work period is any established and regularly recurring period of work which cannot be less than 7 consecutive days nor more than 28 consecutive days. The work period can be of any length, and it need not coincide with the pay period or with a particular day of the week or hour of the day. A copy of the declared work period must be filed with the Personnel Officer.

- B. A notation must be made on the time sheet which shows the work period for each employee, and indicates both the length of that period and the starting time.
- C. Separate work periods can be declared for different employees or groups of employees.

ARTICLE XI. TRAINING OF EMPLOYEES

SECTION 1101 **Responsibility for Training**

- A. The Town encourages the training of employees. Town sponsored training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of Town officers and employees in the performance of their respective duties.

SECTION 1102 **Required Training**

- A. The Town shall pay costs associated with attendance by an employee at any course, seminar, workshop, etc., required of the employee. Travel expenses will be reimbursed in accordance with the Town Travel Policy.
- B. Hours spent in the training program and for travel will be paid in accordance with the Fair Labor Standards Act, as set forth in the Town Manager's Standard Operating Procedures.

SECTION 1103 **Voluntary Training**

- A. Department directors may authorize voluntary training where time and costs are shared between the employee and the Town. Details must be agreed upon between the Department Director and employee, and must be in compliance with FLSA.
- B. Time paid for voluntary training will not be counted towards 40 hours worked in computing overtime.
- C. A copy of any agreed upon voluntary training program must be submitted to the Personnel Officer.

ARTICLE XII. VEHICLE USE

SECTION 1201 Certification and Records

- A. All employees who drive Town vehicles or drive their own vehicle on Town business must have in their possession the appropriate Arizona drivers license when driving on Town business.
- B. A Standard Operating Procedure or criteria for good driving records will be established which meets the Town's needs for safety, evaluating employee driving records and setting forth grounds for disciplinary action where driving records do not meet acceptable standards.

SECTION 1202 Use of Town Owned Vehicles

- A. Vehicles owned by the Town of Paradise Valley will be used for official business only.
- B. Employees may, with approval of their supervisor, use their personal vehicle to conduct Town business and will be reimbursed at the current approved mileage rate.

ARTICLE XIII. COMPLAINTS

SECTION 1301 Grievance

- A. Employees and supervisors are encouraged to meet, discuss and resolve problems, to prevent grievances whenever possible.

- B. Definition: A grievance is an allegation by a classified employee that the Handbook or the written work rules of any Town department have been misinterpreted or misapplied as to that employee; or that the classified employee has been discriminated against because of race, color, religion, gender, age, national origin, sexual orientation or disability as provided under applicable state or federal laws.

- C. Non-grievable matters: The following matters are not grievable:
 - 1. Fringe benefits including but not limited to retirement plans, any insurance program in which the Town participates, other benefits set forth in Article IX;
 - 2. Any examination, certification, or appointment;
 - 3. Any compensation/classification action (including salary ranges, merit increases, right to performance evaluation, or contents of performance evaluation);
 - 4. Any reduction in force action;
 - 5. Any matter not subject to control of the Town government;
 - 6. Complaints by unclassified employees;
 - 7. The Town's right to direct its employees;
 - 8. The Town's right to hire, promote, transfer, assign and retain employees;
 - 9. The Towns' right to manage Town operations, and to determine the methods, means, resources and personnel by which these operations are to be conducted.

- D. Procedure
 - 1. Within fifteen (15) days of the occurrence giving rise to the grievance, the employee shall submit a Grievance Form to his/her supervisor stating the basis of the grievance and the remedy sought. The Grievance Form must clearly state:
 - a. The employee's name, department, and classification;
 - b. The filing date of the grievance;
 - c. A complete statement of all facts and circumstances concerning the grievance, and the specific remedy sought;

- d. The specific rule alleged to have been violated for any grievance alleging noncompliance with the Handbook or the work rules of any department, or the nature of any alleged discriminatory action;
 - e. A summary of the efforts made to resolve the grievance informally;
 - f. Any additional information pertinent to the grievance;
2. Grievances not containing the information in 1 a. - f. above shall not be accepted.
3. Within five (5) working days of receipt of the Grievance Form, the supervisor shall meet with the employee, discuss the grievance, and render a written decision and the basis for it. At the discretion of the Department Director or Town Manager, the length of time for the supervisor's response to the Grievance Form may be extended.
4. If the employee chooses to appeal the grievance further, the grievance must be submitted to the next level of management within three (3) working days of receipt of the supervisor's decision. Within five (5) working days, that manager shall meet with the employee, discuss the grievance, and render a written decision and the basis for it. This appeal process continues through the chain of command to the Town Manager. At each succeeding step the employee must state in writing the reason for his appeal including why the previous response was unsatisfactory. At the discretion of the Department Director or Town Manager, the length of time for the supervisor's response to the Grievance Form may be extended.
5. The decision of the Town Manager is final and is neither grievable nor appealable. A copy of the Town Manager's final decision shall be filed with the Personnel Officer.
6. If the supervisor or manager fails to communicate their decision in writing within the specified time limit, unless the time limit is extended by the Department Director or Town Manager, and if the employee chooses to appeal the grievance further, the employee shall proceed to the next level of appeal within three (3) working days of the expiration of the specified time limit.
7. Failure to submit a grievance in accordance with the above time limits, or to appeal a grievance to the next step, constitutes abandonment of the grievance. A grievance may be terminated at any time upon receipt of a signed statement from the employee requesting such a termination.

SECTION 1302 Sexual Harassment

A. Definition

1. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is any unwanted and unsolicited verbal comment, physical contact, gesture, invitation, proposition, demand or related action of a sexual nature which results in favorable or unfavorable employment decisions or creates an intimidating, hostile or offensive working environment for the complainant.

B. Town Policy

1. It is illegal and against the Town's policy for employees, male or female, to harass other employees by making unwelcome sexual advances, favors, or other verbal or physical conduct of a sexual nature a condition of any worker's employment; using a worker's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual; or otherwise creating an intimidating, hostile or offensive working environment by such conduct.
2. The creation of an intimidating, hostile or offensive working environment may include such actions as persistent comments of a sexual nature or the display of obscene or sexually oriented photographs or drawings. However, occasional conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect may not be viewed as harassment. The Town will determine whether such conduct constitutes sexual harassment based on a review of the facts and circumstances of each situation.
3. The Town will not tolerate sexual harassment of or by its employees. All employees, including supervisors and managers, will be subject to discipline, up to and including discharge, for any act of sexual harassment they commit.

C. Complaint procedure

1. Employees who feel victimized by sexual harassment should report the harassment to their supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's superior or to the Personnel Officer. The supervisor or the Personnel Officer shall promptly notify the Department Director and Town Manager of the complaint. A job applicant who believes he or she has been a victim of sexual harassment may file a complaint with the Personnel Officer.
2. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint. Any employee found guilty of retaliation will be subject to discipline.

D. Investigation Procedure

1. Upon receipt of a complaint alleging sexual harassment, the Department Director will promptly notify the Personnel Officer. The Department Director and the Personnel Officer will fully investigate the complaint. The Personnel Officer will work with the department to obtain and evaluate all relevant evidence with respect to what has occurred and determine what remedy is appropriate.
2. If there is reasonable cause to believe that sexual harassment occurred, recommendations will be made by the Department Director for specific remedial and disciplinary actions. The complainant and the party charged will be notified of the findings.

E. Discipline

1. The type of discipline to which an employee will be subject for sexual harassment will depend on the severity of the finding. Discipline may range from verbal counseling to dismissal. If the discipline is a suspension, demotion, pay reduction or dismissal, the employee will be advised of his/her rights to appeal the action under the Handbook Article XIV.
2. The Town Manager has the authority to reassign any employee to minimize conflict created by a sexual harassment charge. If reasonable cause has been found that sexual harassment has taken place and that a reassignment is the best solution, every effort will be made to transfer the offending employee rather than the complainant unless the complainant chooses to be transferred. If reassignment is not practical, the Department Director will monitor the situation and prevent retaliation.

F. Confidentiality

1. All complaints shall be kept confidential except to satisfy the provisions of this rule and as may be required by law. All Town personnel who are involved with or aware of investigations are expected to maintain the same level of confidentiality.

SECTION 1303 Equal Employment Opportunity

A. Definition

1. Employment discrimination based upon an employee's race, color, gender, religion, sexual orientation or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended while discrimination based upon an employee's disability is a violation of the Rehabilitation Act of 1973 and Title I of the Americans with Disability Act of 1990. Age discrimination is a violation of the Age Discrimination in Employment Act, as amended. Discrimination is the differential treatment of an employee in any aspect of employment based upon their race, color, gender, religion, national origin, disability or age.

B. Complaint Procedure

1. Employees who feel that they have been discriminated against should report the incident to their supervisor immediately. If the employee's immediate supervisor is the source of the discrimination, the employee should report the problem to the supervisor's superior or the Personnel Officer. The supervisor or the Personnel Officer shall promptly notify the Department Director and Town Manager of the complaint. A job applicant who believes he or she has been a victim of discrimination may file a complaint with the Personnel Officer.
2. No employee will be subject to any form of retaliation or discipline for pursuing an employment discrimination complaint. Any employee found guilty of retaliation will be subject to discipline.

C. Investigation Procedure

1. Upon receipt of a complaint alleging discrimination, the Department Director will promptly notify the Personnel Officer. The Department Director and the Personnel Officer will fully investigate the complaint. The Personnel Officer will work with the department to obtain and evaluate all relevant evidence with respect to what has occurred and determine what remedy is appropriate. If there is reasonable cause to believe that employment discrimination has occurred, recommendations will be made by the Department Director for specific remedial and disciplinary actions. The complainant and the party charged will be notified of the findings.

D. Discipline

1. The type of discipline to which an employee will be subject for discrimination violations will depend on the severity of the finding. Discipline may range from verbal counseling to dismissal. If the discipline is a suspension, demotion, pay reduction or dismissal, the employee will be advised of his/her rights to appeal the action under the Handbook Article XIV.
2. The Town Manager has the authority to reassign any employee to minimize conflict created by a discrimination charge. If reasonable cause has been found that discrimination has taken place and that a reassignment is the best solution, every effort will be made to transfer the offending employee rather than the complainant unless the complainant chooses to be transferred. If reassignment is not practical, the Department Director will monitor the situation for evidence of retaliation.

E. Confidentiality

1. All complaints shall be kept confidential except to satisfy the provisions of this rule and as may be required by law. All Town personnel who are involved with or aware of investigations are expected to maintain the same level of confidentiality.

ARTICLE XIV DISCIPLINARY AND APPEAL PROCEDURES

SECTION 1401 Disciplinary Action

- A. The Town Manager has authority to take disciplinary action against any classified or unclassified employee. The Town Manager may delegate this authority to any management employee or subordinate employees.
- B. A process of progressive discipline should be followed to ensure that classified employees are afforded adequate opportunity to correct unacceptable behavior. However, the seriousness of the offense may dictate overriding progressive discipline, and serious offenses may lead to immediate dismissal. A combination of disciplinary actions may be used.
- C. The following reasons constitute grounds for dismissal:
1. The employee lacks sufficient competency or efficiency to perform assigned duties and responsibilities.
 2. The employee is unsafe to himself/herself, other employees, the public, or Town property in the performance of duties and responsibilities; or the employee has committed a serious violation of safety rules and practices.
 3. The employee has been abusive in attitude, language, behavior, or conduct toward a fellow employee, a supervisor, or the public; or their action has resulted in physical harm, injury, or fear of same to such persons.
 4. The employee has been insubordinate, willfully disobedient, or has failed to follow reasonable direction from a supervisor or perform assigned duties.
 5. The employee has committed a criminal offense while employed by the Town.
 6. The employee has stolen public or private property, misappropriated Town funds, or has been an accomplice in any of these practices while employed by the Town.
 7. The employee has made unauthorized use of and/or removal of Town property.
 8. The employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
 9. The employee has engaged in conduct, on or off duty, that is of such a nature that it causes discredit to the Town.

10. The employee has purchased, possessed, used, manufactured, distributed, dispensed, or sold alcoholic beverages, unauthorized drugs or controlled substances, or any other intoxicants on Town property, while operating Town equipment, or while in the performance of Town duties unless authorized to do so; or the employee has reported to work under the influence of alcohol or drugs as defined in the Town's Drug -Free Workplace Policy; or the employee's off-duty use, possession, or sale of drugs or alcohol adversely affects work performance, safety, or the Town's reputation. A Department Director may search Town property and personal effects placed in Town property based on a reasonable suspicion of the presence of drugs or alcohol. Also for reasonable suspicion, an employee may be required to undergo an intoxilyzer, blood, breath, urinalysis, hair, saliva, or any other appropriate test to detect and substantiate the presence of alcohol or drugs. Refusal to undergo the test when ordered or switching or adulterating test samples will constitute violation of (4) above.
11. The employee has knowingly falsified any document, report or statement relating to employment with the Town.
12. The employee has secured employment with the Town through misrepresentation or fraud.
13. The employee has refused to subscribe to any oath or affirmation required in connection with Town employment.
14. The employee has been inexcusably absent, has failed to receive prior approval for any paid or unpaid absence, has abandoned his/her position, feigns sickness or injury, or otherwise deceives a supervisor as to his/her condition or ability to perform the duties of the position, or the employee has falsified a certificate justifying medical leave.
15. The employee has had excessive absenteeism or tardiness.
16. The employee has engaged in a strike.
17. The employee has violated the rules on outside employment set forth in Article IV Section 403.
18. The employee has failed to notify his/her Department Director within five (5) days of a conviction under a criminal offense.
19. The employee holds a Town elective office prior to resigning from a Town position or holds other office incompatible with a position with the Town.
20. The employee has used or attempted to use political influence in securing a promotion, leave of absence, transfer, or an increase in pay.
21. The employee has accepted a fee, gift, or other item in the course of performing the duties and responsibilities of his/her position, if the gift is given in hope of receiving a favor or preferred treatment, or if the gift is given after receipt of the favor or preferred treatment.

22. The employee has committed an act of discrimination or harassment because of race, color, religion, gender, national origin, disability, or age.
23. The employee has engaged in unprofessional conduct, personal attacks or defamation, or failed to maintain the highest standards of honesty and truthfulness in the employee's personal and professional dealings.
24. The employee has violated any Code of Ethics that has been adopted by the Town or Department.
25. The employee has violated a rule or standard of confidentiality prescribed for their position.
26. The employee has committed any other conduct of equal gravity to the reasons enumerated in this section.

D. Types of Disciplinary Actions

1. Not Appealable to the Personnel Appeals Board

- a. An oral reprimand is the non-written notification to an employee of job performance deficiency or misconduct and notification of the Town's level of expectations. The supervisor documents the date and nature of the reprimand on a "Record of Counseling/Disciplinary Action" form. The immediate supervisor is responsible for oral reprimands.
- b. A written reprimand is an official notification to an employee that there is cause for dissatisfaction with the employee's job performance or that there is misconduct. The written reprimand is documented on the "Record of Counseling/Disciplinary Action" form and placed in the employee's personnel file maintained by the Personnel Officer. The immediate supervisor is responsible for written reprimands.
- c. Administrative suspension is the non-disciplinary suspension of an employee with pay to permit an investigation into matters concerning a possible disciplinary action. During this period, the employee must be available to participate and aid in the investigation. In making the determination to suspend an employee with pay, the following factors are considered: does the employee's presence on the job or at the work site hinder the investigation, or is the employee's presence detrimental to the public interest or the continued efficient operation of the Town. The Department Director must approve administrative suspensions.

- d. Disciplinary suspension of three days or less is the temporary separation of an employee from Town service without compensation. A suspended employee receives written notification on a “Record of Counseling/Disciplinary Action Form” listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the suspension notice. Suspensions must be approved by the Department Director.
 1. Exempt employees may not be suspended without pay for disciplinary reasons for a period of time less than 40 hours except for infractions of safety rules “of major significance” or in accordance with applicable Fair Labor Standards Act requirements. Safety rules of major significance are those rules and supervisory directives relating to the prevention of serious hazard, damage or danger to the Town, its facilities, employees or the public.
 2. During a period of suspension, a suspended employee may not work additional hours that are compensated at regular or overtime rate. They may not substitute vacation pay, sick pay, or other compensated time for unpaid hours.

2. Appealable to the Personnel Appeals Board

- a. Disciplinary suspension of greater than three days is the temporary separation of an employee from Town service without compensation. A suspended employee receives written notification on a “Record of Counseling/Disciplinary Action” form listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the “Record of Counseling/Disciplinary Action” form. Suspensions must be approved by the Department Director and Town Manager. No employee may be suspended for more than four (4) calendar weeks at any one time for any one offense without being terminated from employment.

- b. Involuntary demotion is the movement of an employee from one class to another class at a lower rate of pay. The demotion may be permanent or temporary and must be approved by the Department Director and Town Manager. The employee receives written notice of the involuntary demotion on a “Record of Counseling/Disciplinary Action” form listing the specific charge(s), amount of pay reduction, administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the “Record of Counseling/Disciplinary Action” form. If the employee is demoted for disciplinary reasons, the reduction in pay is not less than five (5) percent.
- c. Disciplinary pay reduction is the reduction of an employee’s salary. The reduction may be permanent or temporary and must be approved by the Department Director and Town Manager. The disciplined employee receives written notification on a “Record of Counseling/Disciplinary Action Form” listing the specific charge(s), amount of pay reduction and administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the "Record of Counseling/Disciplinary Action Form".
- d. Dismissal is the discharge for cause of an employee from the Town service. The employee receives written notice of intent to discharge on a “Record of Counseling/Disciplinary Action Form” listing the specific charge(s), and administrative review and appeal rights. Prior to issuance of a “Record of Counseling/Disciplinary Action Form” for dismissal, the Department Director shall notify the Personnel Officer to coordinate the final pay. Any dismissal must be approved by the Department Director and Town Manager.
- e. Employees may appeal 2 a, b, c, and d above to the Personnel Appeals Board after using and exhausting internal appeals.

E. Employee Rights

1. Documentation of all disciplinary actions, excluding oral reprimands, include details of the specific charges, opportunity for the classified employee to explain the action or behavior, specific description of the disciplinary action, and the consequences of continuation or recurrence of the problem behavior. Disciplinary suspensions, reductions in pay, demotion, and dismissal notices will also outline the classified employee's rights to an administrative review and appeal to the Personnel Appeals Board if applicable. Departments should complete a Counseling/Disciplinary Action Form within 30 calendar days of the incident or within 30 calendar days from the time the department first became aware of the incident; exceptions to the above must be approved by the Department Director. A copy of the disciplinary action notice is put in the classified employee's personnel file. Failure of the Department to timely complete the Counseling/Disciplinary Action Form shall not prejudice the propriety of the discipline.
2. An Administrative Review provides an opportunity for classified employees to meet with the Department Director regarding the pending disciplinary action. Employees who have been notified of a proposed suspension of greater than three days, demotion, disciplinary pay reduction and dismissal are eligible, upon their request, for an Administrative Review with their Department Director. This review is a personal meeting with the Department Director to provide employees an opportunity to submit any additional information or evidence, facts or mitigating circumstances pertinent to the disciplinary action. After being notified of the type of disciplinary action proposed, classified employees wanting an Administrative Review must contact the Department Director's office by 5:00 p.m. on the next succeeding business day to arrange for an appointment. The Department Director will render a written decision of the Administrative Review within five working days.
3. An appeal to the Town Manager may be made by classified employees following an Administrative Review. The request for an appeal must be in writing and submitted to the Town Manager within three (3) business days following notification to the employee of the Department Director's decision under the Administrative Review. the Town Manager will render a decision within five working days.
4. A Personnel Appeals Board hearing may be requested by classified employees who have received a disciplinary suspension greater than three days, a demotion, a disciplinary pay reduction or a dismissal. A hearing before the Personnel Appeals Board is allowed only after classified employees have used and exhausted all other rights of review and appeal. The decision of the Personnel Appeals Board is final and binding. An appeal to the Personnel Appeals Board must be filed with the Personnel Officer within three (3) business days following notification to the employee of the Town Manager's decision.
5. Employees who have been discharged for cause from Town service are not eligible to be rehired in any capacity by the Town.

SECTION 1402 Strike

- A. Strikes by employees are prohibited. Any employee who engages in a strike may be dismissed. The term “strike” as used in this section means refusal to work or any other concerted action that disrupts or interferes with the carrying out of any Town function for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of employment.

- B. Employees do not have the right of appeal to the Personnel Appeals Board under Section 1401 when the employee engages in a strike as described above.

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