GILA COUNTY MERIT SYSTEM ~~RULES AND~~ POLICIES

~~RULE~~ Policy 1 – Definitions

1. The following words and phrases used in these ~~rules~~ policies have the defined meanings hereinafter set forth unless clearly indicated otherwise in the context.

1.1 **"Accident":** A collision or similar incident involving an on duty County employee, County vehicle and or equipment that results in property damage, personal injury or death.

1.2 **"Administrative Leave":** Leave taken at the direction of the Appointing Authority pending the result(s) of an investigation or in certain emergency situations.

1.3 **"Agency":** Any department, board, office, authority, or commission ~~or governmental budget unit~~ operated within the governmental structure of Gila County.

1.4 ~~**"Allocation":** The assignment of a position to an appropriate classification on the basis of the duties and responsibilities assigned to the position.~~

1.5 **"Appeal":** A written request filed with the Commission by an employee to challenge a suspension, demotion or termination ~~dismissal~~ or to request relief from certain alleged unfair acts or conditions as set forth by these policies.

1.6 **"Appellant":** The employee filing an Appeal with the Commission.

1.7 **"Applicant":** A person who has filed an application for employment.

1.8 **"Appointing Authority":** The single administrative or executive head of a County department, office, authority ~~or governmental budget unit~~ operated within the governmental structure of Gila County, or designee of same.

1.9 **"Appointment":** The offer and acceptance by a person of any position in the County classified service in accordance with these policies ~~rules~~.

1.10 **"Armed Forces":** The United States Air Force, Army, Navy, Marine Corps, Coast Guard, or Arizona National Guard.

1.11 **"At Will":** Voluntary employment status which is subject to termination by the employee or Gila County, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Gila County employees.

1.12 **"Board":** The Gila County Board of Supervisors.

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1.13 **"Candidate":** An applicant approved for participation in the selection process ~~an examination~~.

1.14 **"Certification":** The referral of the names of qualified candidates ~~eligibles~~ by ~~the~~ ~~Personnel~~ Human Resources ~~Director~~ to the Appointing Authority.

1.15 **"Class":** A position or group of positions sufficiently similar in duties and responsibilities that the same requirements for education, experience, knowledge, ability and other qualifications may be demanded of the occupants so that the same compensation schedule can be applied with equity.

1.16 **"Class Specification":** The official description of the type and level of duties and responsibilities of positions assigned to a class and the necessary qualifications which a person must have for performing those duties.

1.17 **"Classification Plan":** The orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.

1.18 **"Classified Service":** All ~~positions in the County service, except those expressly exempt or designated as unclassified by these rules or by statute.~~ Classified positions are covered by these policies.

1.19 **"Commission":** The Gila County Personnel Commission.

1.20 **"Compensation":** The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee except reimbursement for necessary expenses which have been authorized and incurred.

1.21 **"Compensatory Time":** Time off from work granted to an employee in lieu of monetary payment for hours worked in excess of ~~the employee's regularly scheduled hours in his or her designated work period.~~ forty (40) hours in a work week. (Hours worked for Sheriff's Office is different)

1.22 **"Consanguinity":** Having the same ancestry; related by blood or legal adoption.

1.23 **"Continuous Recruitment":** Recruitment under which applications are received continuously after the job announcement has been made~~. to that effect.~~

1.24 **"Controlled Substances"**: Generally a drug or chemical whose manufacture, possession, or use are regulated by a government. This may include illegal drugs and prescription medications

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1.25 **"County":** The Gila County Government.

1.26 **"Days":** Calendar days unless these policies ~~rules~~ otherwise explicitly provide.

1.27 "De Minimis": Lacking significance or importance.

1.28 **"Demotion":** A change in the assignment of an employee from a position in one class to a position in another class having a lower range of pay resulting from disciplinary action or at the request of the employee.

1.29 **"Department":** A County governmental unit under the control of an Appointing Authority which has a separate operating budget approved by the Board of Supervisors.

1.30 ~~**"Detail to Special Duty":** The assignment of a regular status employee on an interim basis to a position of higher grade to meet a need for a determined time as provided for in these rules.~~

1.31 **"Director":** The Gila County ~~Personnel~~ Human Resources Director.

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

1.33 **"Direct Threat":** A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

1.34 **"Discharge ~~or Dismissal~~":** The involuntary separation of a person from County employment as a result of unsatisfactory service.

1.35 **"Eligible":** An employee who has been laid off and is ~~person who has attained a passing score on an examination for a specific class and/or has~~ qualified to be placed on a registry for certification.

1.36 **"Emergency Appointment":** An appointment made during an actual emergency to prevent the impairment of public business.

1.37 **"Employee":** A person who is paid a wage, salary or stipend from public monies in accordance with official entries on a County payroll.

1.38 **"Essential Functions":** Job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

1.39 **"Exempt":** A job classification that is not subject to the Fair Labor Standards Act.

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1.40 ~~**"Examination":** The evaluation process used to measure the qualifications and determine the relative excellence of Candidates.~~

1.41 ~~**"Examination Announcement":** The official public issuance of notice to give Examination either on a scheduled or continuous basis to fill positions as they are, or become, vacant in the County service.~~

1.42 **"Full-Time":** An employee who works 30 hours or more per week.

1.43 **"Grievance":** A complaint by an employee of the County concerning the interpretation and application of policies governing personnel practices and procedures, departmental work rules, unsafe or unhealthy working conditions, alleged discrimination or alleged improper treatment.

1.44 **"Hearing Officer":** A person appointed by the Commission or its chairman as a Hearing Officer or any member of the Commission designated by it or its chairman as a Hearing Officer.

1.45 **"Incident":** An event that involves injury or accident to an on duty employee.

1.46 **"Interactive Process"**: A meaningful dialogue with the employee to find the best means of accommodating a disability.

1.47 **"Job Announcement":** The official public issuance of notice to fill positions as they are, or become, vacant in the County service.

1.48 **"Layoff":** The separation of an employee for reasons of shortage of funds or work by reason of a bona fide abolishment of a position, change in duties of the position or reorganization within the agency.

1.49 **"Military Leave":** The leave of absence status of a regular status or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this state in time of national emergency or state emergency or for military training and who has the right under statutes relating to reinstatement of a person after military service to return to his/her position or a like position.

1.50 **"Non-Exempt":** A job classification that is subject to the Fair Labor Standards Act.

1.51 "**Overtime**": Hours worked by an employee in a non-exempt position in excess of 40 hours per week.

1.52 **"Part-Time":** An employee who works 29 hours or less per week**.**

1.53 **"Pay Period":** A two (2) calendar week period of time during which an employee is granted compensation according to the actual time worked.

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1.54 **"Pay Plan":** The County Pay Plan which assigns an appropriate salary range to each class of position.

1.55 **"Payroll Authorization":** A form used by Gila County in order to facilitate the hiring, status change and termination of an employee.

1.56 **"Policies":** The Gila County Merit System ~~Rules and~~ Policies as adopted from time to time by the Gila County Board of Supervisors.

1.57 **"Position":** A specific office or employment, whether occupied or vacant, involving duties requiring the services of one person.

1.58 **"Probation":** A specific period of employment following appointment, reemployment, transfer, promotion, or demotion. ~~It is the final step in the examination process during which the work performance of an employee is evaluated.~~

1.59 **"Probationary Employee":** An individual who is employed in a position and who has not completed his or her period of probation.

1.60 **"Promotion":** A change in the assignment of an employee from a position in one class to a position in another class having a higher range of pay.

1.61 ~~**"Provisional Appointment":** The appointment of a qualified person on an interim basis not to exceed six (6) months to a position under these Rules without a competitive examination.~~

1.62 ~~**"Provisional Employee":** An employee who has received a Provisional Appointment but has not been examined or certified.~~

1.63 ~~**"Reallocation":** Changing the classification of an existing position when a material and permanent change in the duties or responsibilities of the position occurs.~~

1.64 **"Reasonable Accommodation":** May include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

1.65 **"Reasonable Person":** An imaginary person who is used as the legal measuring stick against which to determine whether or not an individual exercised appropriate caution in an undertaking, or whether he/she exhibited negligence by not taking the precautions that the hypothetical reasonable person may have taken under the given circumstances, or by doing something that a reasonable person would not have done.

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1.66 **"Reemployment":** After 90 days, ~~T~~ the return to ~~the~~ County ~~Classified~~ service of a former employee who resigned in good standing ~~from the County Classified Service~~.

1.67 **"Register":** An official list of Eligibles placed in order of seniority for a particular class or group of classes, ~~placed in order of excellence according to results of the examination,~~ which shall be used by the Appointing Authority for selection for appointments to positions in ~~the~~ County ~~Classified~~ service who were separated by layoff.

1.68 **"Regular Status":** The status an employee achieves after the successful completion of the ~~initial~~ original probationary period.

1.69 **"Reinstatement":** The return to ~~the~~ County ~~Classified~~ service of a former employee in ~~the~~ County ~~Classified~~ service who was separated by layoff.

1.70 **"Resignation":** The voluntary separation of an employee from employment.

1.71 **"Respondent":** The County agency or agencies whose interests are adverse to those of the Appellant or who will be directly affected by the Commission's decision.

1.72 **"Reversion":** The return of an employee on promotional probation to a position in the class in which the employee held regular status immediately prior to the promotion.

1.73 ~~**"Rules":** The Gila County Merit System Rules and Policies as adopted from time to time by the Board of Supervisors and/or the Gila County Personnel Commission.~~

1.74 ~~**"Seasonal Appointment":** The appointment or reappointment of persons to meet regular recurring seasonal or intermittent needs.~~

1.75 **"Selection Process":** The evaluation process used to measure the skills, abilities and qualifications of candidates.

1.76 **"Separation Without Prejudice":** The removal, without appeal rights, of an employee from the County service due to a reduction in force, the lack of a position for an employee requesting to return from leave without pay, or the inability of an employee to return to work at the conclusion of a leave without pay.

1.77 **"Suspension":** The temporary separation of an employee from a position for disciplinary reasons.

1.78 **"Temporary Appointment":** Appointment to meet a temporary program need.

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1.79 **"Temporary Status":** A status of employment that is not regular status and does not receive benefits.

1.80 **"Termination":** The involuntary separation of an employee from employment.

1.81 **"Transfer":** A change in the assignment of an employee from one department to another or from one position to another ~~position in the same or lower grade for reasons other than disciplinary action~~.

1.82 **"Unclassified":** A position in the County service which has been designated as unclassified by ARS 11-352 or resolution by the Board of Supervisors ~~because of the nature of its appointment and/or responsibilities which is exempt~~ is not covered by these policies ~~from the provisions of these policies~~ unless otherwise specified.

1.83 **"Undue Hardship":** Action requiring significant difficulty or expense by the employer.

1.84 **"Vacancy":** An allocated position in the County service which has become vacant due to the resignation, transfer or termination of an employee; or a newly allocated position which has not yet been filled.

1.85 **"Veteran":** Any person separated from active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps or Coast Guard) under honorable conditions.

1.86 **"Wages":** For the purposes of these policies ~~rules~~, wages shall be defined as provided in A.R.S. §23-350(5).

1.87 **"Work Period":** A fixed and regularly recurring period upon which overtime compensation may be calculated.

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~~RULE~~ Policy 2 – Declaration of Personnel Policy

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

2.1 Purpose: Basic guidelines for the implementation of personnel policy.

2.2 Statement of Intent and Authorities

A. These policies ~~rules~~, as well as all other expressions of County policy, are not intended to create any contractual rights or obligations and do not promise or imply any fixed term or continuation of employment.
B. No oral agreements or understandings or promises exist, and if such are or have been made, they are not authorized unless in writing by the Board of Supervisors. No oral or written statements by any Gila County Elected Official ~~manager~~, Department Head, or Supervisor that conflicts with anything in these policies ~~rules~~ is binding upon the Gila County Board of Supervisors.
C. These policies ~~rules~~ are intended to provide guidance and direction and are not to be construed as creating enforceable legal rights.

2.3 Modification by the Board of Supervisors: The policies, practices and procedures contained herein or elsewhere may be modified or terminated at any time by the Gila County Board of Supervisors for any reason.

2.4 Principles and Policies: The following personnel principles, policies and procedures are established by the Gila County Board of Supervisors.

A. No hiring authority other than the Board of Supervisors has any authority to enter into any agreement for employees for any specified period of time or to make any employment agreement contrary to these policies ~~rules~~ except as ratified by the Board of Supervisors.
B. Employment in the County workforce shall be based on qualifications and free of personal and political considerations.
C. Employment shall comply with the Equal Opportunity Employment Act of 1972, the Fair Labor Standards Act of 1985 as amended, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990 as amended by 2009, the Civil Rights Act of 1991, as well as other Federal and State laws, rules, regulations and orders, which prohibit discrimination on the basis of race, sex, color, age, religion, disability, Vietnam or disabled veteran status, national origin and applicable state statutes.
D. Positions having similar duties and responsibilities shall be classified and compensated for on an equitable basis.
~~E. Every effort shall be made to stimulate high morale by fair administration of this article and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the County.~~

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2.5 Replacement of Prior Policies ~~Rules~~: These ~~rules~~ polices supersede all previous rules, policies and procedures, which have applied to employees. All rules, policies and procedures adopted on a departmental basis will remain in full force and effect, except to the extent that the same are in conflict with these rules.

2.6 Severability: If any provision of these policies ~~rules~~ or their application to any persons or circumstances is held invalid, the remainder of the policies ~~rules~~ or the application of such provisions to other persons or circumstances shall not be affected.

2.7 Conflict with Federal and State Laws, Regulations, Statutes, or Standards: Any provisions of these policies ~~rules~~ which conflict or are inconsistent with Federal and State laws, regulations, statutes or standards shall be deemed null and void.

2.8 Exemptions: These policies ~~rules~~ shall apply to all classified positions in the County service. Unclassified positions are not covered by these policies ~~rules~~ unless otherwise specified. Unclassified positions include but are not limited to:

A. County Administrator (Manager);
B. Deputy County Administrator (Manager);
C. Assistant County Administrator (Manager);
D. Chief Deputy to Elected Officials;
E. Department Directors;
F. Deputy Directors, not to exceed three in each department;
G. One position in each department that reports directly to the director or deputy director as designated by the director and deputy director
H. Clerk of the Board of Supervisors;
I. Elected Officials;
J. Administrative Assistants to Directors/Elected Officials;
K. Executive secretaries;
L. Undersheriff;
M. Deputy County Attorney;
N. Probationary and temporary employees;

Should any position covered by these policies ~~rules~~ become an exempt position under these policies ~~rules~~, either by operation of law or amendment done pursuant to these rules, any employee occupying such position at the time of the change may elect to remain covered by these policies ~~rules~~. Such election must be made in writing and submitted to the ~~Personnel~~ Human Resources Director within thirty (30) days of notification of the change in status of the position.

2.9 Delegation of Authority: Unless otherwise stated by law or in these policies ~~rules~~, an Appointing Authority may delegate any authority granted to the Appointing Authority in these policies ~~rules~~.

2.10 Service of Notice: Unless otherwise provided by law or these policies ~~rules~~, whenever any notice, paper or document is to be served upon any person, party or agency by the Director, such service may be accomplished by any of the following methods:

A. Personal service;
B. Service by certified or registered mail;
C. Service by first class mail;
D. Service by any other method designated by the Director which will provide reasonable notice of the matter.

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~~RULE~~ Policy 3 – Personnel Commission

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

3.1 Purpose: Is to be in position to hold hearings at the request of classified employees.

3.2 Members of the Commission shall be selected from among the qualified electors of the County and shall be familiar with the Merit System ~~Rules and~~ Policies. No more than three (3) of such members shall be from the same political party.

3.3 Each member shall hold office for a term of four (4) years or until his successor is appointed and qualified. Of the members first appointed, two (2) shall serve for a two (2) year term, two (2) for a three (3) year term, and one shall serve a four (4) year term, and such members shall determine, by lot, the length of their terms. Appointment to fill a vacancy caused by other than expiration of term shall be for the unexpired portion of the term.

3.4 A member of the Commission may be removed by the Board for cause. Any one of the following shall constitute the resignation of a Commissioner and authorize the Board to appoint a new member to fill the unexpired term so vacated:

~~A. Absence from three (3) consecutive quarterly meetings;~~
B. Becoming a candidate for any elective public office;
C. Accepting any appointive office or employment in County service.

3.5 The Commission shall elect one (1) of its members Chairperson. Three (3) members shall be present to constitute a quorum for the transaction of business. A majority of the quorum shall constitute a majority vote.

3.6 The Commission shall perform duties as are necessary to carry out the provisions of these policies ~~rules~~. In addition to the duties imposed upon it elsewhere, it shall be the duty of the Commission:

A. To suggest such policies ~~rules~~ as it may find necessary or appropriate for administration of the Merit System ~~Rules and~~ Policies;
B. To advise the Board and Director of problems concerning personnel administration;
C. To advise and assist in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the County service;
D. To make ~~annual reports and such~~ special reports as it considers desirable to the Board regarding personnel administration in the County service and recommendations for improvements.

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3.7 Meetings: The Commission shall hold meetings in accordance with the Arizona Open Meeting Act, A.R.S. §38-431, et.seq.

A. The Commission shall meet at such times and places as shall be specified by call of a majority of the Commission or Chairperson;
B. At least one (1) meeting shall be held ~~in each quarter~~ annually;
C. All meetings shall be open to the public;
D. At least five (5) days' written notice of each meeting shall be given by the ~~Personnel~~ Human Resources Director to each member not joining in the call;
E. Three (3) members shall constitute a quorum for the transaction of business.

3.8 Agenda: All matters to be presented for consideration by the Commission at a regular or special meeting shall be placed on the Commission's agenda without undue delay. The agenda shall be mailed to each member of the Commission and shall be posted in accordance with A.R.S. §38-431.02.

3.9 Minutes: The Human Resources Director shall provide for the recording of the official actions of the Commission in its minutes. The time and place of each meeting of the Commission, the commissioners present, all official acts of the Commission, and when requested, a commissioner's dissent and their reasons shall be recorded in the minutes. The Human Resources Director shall cause the minutes to be transcribed and presented for approval or amendment at the next meeting. The minutes or a true copy thereof shall be open to public inspection.

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~~RULE~~ Policy 4 – Discrimination in Employment

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

4.1 Purpose: Gila County will create an environment free of discrimination, harassment and retaliation for employees who report acts of harassment and discrimination, in accordance with Federal and State laws.

4.2 Statement of Policy: Gila County shall not discriminate against an individual in violation of State or Federal law or regulation in terms of race, color, religion, sex, age, national origin, disability, or Vietnam or disabled veteran status.

4.3 Discipline: Any employee found to have subjected another employee, vendor, contractor or a member of the public to discrimination as defined by this policy ~~rule~~ shall be subjected to disciplinary action up to and including ~~dismissal~~ termination in accordance with the provisions of these policies ~~rules~~.

4.4 ~~Reprisals~~: Retaliation: An employee shall not take any disciplinary or punitive action against another employee which impedes or interferes with that employee's exercise of any right granted under the law or these policies ~~rules~~. Any employee or agency representative who is found to have acted in ~~reprisal~~ retaliation toward an employee as a result of the exercise of the employee's rights may be suspended without pay for a period not to exceed 30 days or terminated ~~dismissed~~.

4.5 Reporting a Complaint

A. Every employee of Gila County has an affirmative duty to maintain a work place free of harassment and intimidation. Complaints or reports of sexual harassment should be taken by an employee directly to the ~~Personnel~~ Human Resources Director. Elected Officials, ~~Supervisors~~ Department Heads or ~~Department Heads~~ Supervisors who receive complaints or reports of sexual harassment must immediately inform the ~~Personnel~~ Human Resources Director of such complaints. While this policy does not create any cause of action, each Elected Official, Department Head and Supervisor should be aware that they may be personally named in a lawsuit alleging personal responsibility and financial liability for complaints or reports of sexual harassment if they do not immediately inform the Human Resources Director. The ~~Personnel~~ Human Resources Director will expedite an investigation into the allegations. Confidentiality of all parties involved in a sexual harassment charge shall be respected, except to the extent that it does not interfere with the County's legal obligation to investigate allegations of misconduct and to take appropriate action.

B. After investigation, the ~~Personnel~~ Human Resources Director will issue a written finding. If a basis is found for the complaint, the ~~Personnel~~ Human Resources Director shall make recommendations of disciplinary action up to

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and including ~~dismissal~~ termination of the offending party in accordance with the provisions of Gila County Merit System ~~Rules and~~ Policies.

C. If no basis is found for the complaint, the complaining employee shall be notified in writing. Classified employees may file a grievance in accordance with Policy ~~Rule~~ 22.1.A to the Personnel Commission within ten (10) days of receiving such notification. Any such review by the Personnel Commission shall be conducted according to time limits and other limitations imposed by the Gila County Merit System ~~Rules and~~ Policies. Unclassified employees have no grievance appeal rights.

4.6 Sexual Harassment: The purpose of this policy is to clearly establish Gila County's opposition to and disapproval of any unwanted actions and advances of a sexual nature arising out of the work place situation which adversely impacts an employee's ability to perform the duties of his/her position. This policy also provides a mechanism to employees for filing complaints of sexual harassment.

A. All employees of Gila County, ~~regardless of sex,~~ have a right to work in an environment free of unsolicited advances, innuendoes and actions of a sexual nature which create a hostile or offensive working environment or which otherwise impair their ability to perform their assigned duties.

B. Sexual harassment is defined as:

1. Unwelcome or unwanted sexual advances which includ~~ing~~e but are not limited to petting, pinching, brushing up against, hugging, cornering, kissing, fondling, back rubs or other such behavior, visual sexual harassment, ribald jokes, flirting, propositions or suggestive compliments, profanity and obscene gestures, or any physical conduct or contact that is considered unacceptable by a reasonable person ~~another individual~~.
2. Unwelcome or unwanted requests or demands for sexual favors, including subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by implied or negative consequences concerning ~~ones~~ an employee's ~~employment~~ status or submission to or rejection of sexual conduct is used as the basis for employment decisions affecting applicant.
3. Verbal abuse, bantering or teasing that is sex oriented and is considered unacceptable by a reasonable person ~~another individual~~. This includes innuendoes, jokes, sexual oriented comments that offend others.
4. Displaying an intimidating, hostile or offensive attitude because of rejected sexually oriented demands, requests, physical contact or attention.
5. Interfering with a co-worker's performance by exchanging unwanted sexual attentions, or sexually oriented conduct that reduces personal productivity or safety on working time.
6. Condoning a working environment that is not free of sexually oriented innuendoes or any other actions of a sexual nature that could offend a reasonable person ~~others~~.

C. Discipline: Any employee found to have subjected another employee, vendor, contractor or a member of the public to sexual harassment as defined by this policy shall be subjected to disciplinary action up to and including ~~dismissal~~ termination in accordance with the provisions of the Gila County Merit System ~~Rules and~~ Policies.

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D. Responsibility

1. ~~It shall be the responsibility of~~ Eemployees have the responsibility ~~who believe they have been subjected to sexual harassment, as defined by this policy,~~ to bring ~~such~~ alleged harassment to the attention of the ~~Personnel~~ Human Resources Director.
2. Elected Officials, ~~Supervisors~~ Department Heads and ~~Department Heads~~ immediate Supervisors who become aware formally or informally of situations which could potentially involve sexual harassment must notify the ~~Personnel~~ Human Resources Director immediately. While this policy does not create any cause of action, each Elected Official, Department Head and Supervisor should be aware that they may be personally named in a lawsuit alleging personal responsibility and financial liability for complaints or reports of sexual harassment if they do not immediately inform the Human Resources Director. It shall be the responsibility of the ~~Personnel~~ Human Resources Director to enforce the provisions of this policy and make such investigations as he/she deems appropriate.
3. ~~Reprisals~~, Retaliation in any form, by any employee or immediate supervisor against any complaining employee or participating witness shall not be tolerated.
4. It shall be the responsibility of all Elected Officials, ~~and~~ Department Heads and immediate Supervisors to ensure compliance and enforcement of the provisions of this policy within their respective departments.
5. Gila County will provide Prevention of Sexual Harassment training on an annual basis.

4.7 Other Harassment and Discrimination: This section is to clearly establish that Gila County adheres to all Federal and State laws prohibiting unlawful harassment and/or discrimination. It is the policy of Gila County to treat each employee equitably, to provide communication channels to resolve harassment and discrimination concerns, and thereby support a safe and productive work environment for all County employees.

A. Gila County prohibits discrimination and harassment based upon race, sex, color, age, religion, disability, Vietnam or disabled veteran status, national origin and applicable state statutes.
B. This policy shall extend its coverage to all employees in the classified and unclassified services as defined in the Gila County Merit System ~~Rules and~~ Policies without regard to status.
C. The following lists identify some examples of potential harassment or discrimination covered by this policy. This list is not all inclusive and other situations not included here may also constitute harassment and/or discrimination.

1. Discriminatory employment decisions – in the absence of a bona fide occupational qualification, or ability to reasonably accommodate, basing employment decisions such as hiring, promotions, terminations, transfers, reduction in force, etc., on non-job related criteria.
2. Jokes, stories, comments, pictures, e-mail, publications, etc., portraying an individual or group of individuals in a negative light.

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3. Exclusion – in the absence of a bona fide occupational qualification, or ability to reasonably accommodate; excluding or ostracizing people from workplace or work related activities.

4.8 Hostile Work Environment: This section is to clearly establish that Gila County adheres to all Federal and State laws prohibiting unlawful harassment. It is the policy of Gila County to treat each employee equitably, to provide communication channels to resolve harassment concerns, and thereby support a safe and productive work environment for all County employees.

A. A hostile work environment exists when an employee experiences workplace harassment and fears going to work because of the offensive, intimidating, or oppressive atmosphere generated by the harasser.

1. The anti-discrimination statutes governing hostile work environment are not a general civility code. Thus, Federal law does not prohibit simple teasing, isolated offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.

4.9 The reporting, discipline and responsibility procedures for any alleged discrimination or harassment are the same as Policy ~~Rule~~ 4.5 ~~4.D.E. and F~~ C, D and E.

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~~RULE~~ Policy 5 – Claims of Constructive Discharge (A.R.S. §23-1502)

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

5.1 Purpose: To provide a guideline to employees for a claim of constructive discharge.

5.2 As a precondition to the right to bring a constructive discharge claim against Gila County, employees are required to take each of the following actions before deciding whether to resign:

A. The employee must notify the ~~Personnel~~ Human Resources Director, in writing, that a working condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.
B. Following that, Gila County must be given at least fifteen (15) calendar days to respond in writing to the employee's written communication. Gila County's response is *not* deemed an admission by Gila County that it committed any act that gives rise to any claims or cause of action by the employee.
C. Once Gila County has responded, the employee must read and consider the response.

5.3 An employee may use available annual or compensatory time of up to fifteen (15) calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition. If no leave is available, an employee may take unpaid leave ~~of up~~ to cover the fifteen (15) calendar days.

NOTICE

An employee is encouraged to communicate to the employer whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under Section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for fifteen (15) calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to fifteen (15) calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

~~RULE~~ Policy 6 – Standards of Conduct

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

6.1 Purpose: To clarify guidelines for Gila County employees conduct and professional appearance.

6.2 ~~General:~~ In addition to statutory prohibited conduct, a violation of the standards of conduct listed in sub-section ~~2~~ 6.3, ~~3~~ 6.4, 6.5 and ~~4~~ 6.6 below, is cause for discipline or ~~dismissal~~ termination of a County employee.

6.3 Required Conduct- County employees shall:

A. Maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, prejudice, personal ambition, favoritism, or partisan demands.
B. Be courteous, considerate and prompt in dealing with and serving the public.
C. Conduct themselves in a manner that will not bring discredit or embarrassment to the County.

6.4 Prohibited Conduct- County employees shall not:

A. Use their official position for personal gain or attempt to use, or use, confidential information for personal advantage.
B. Permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
C. Perform any act in a private compensated capacity related to the employee's scope of work at the County which may be construed to be an official act without prior written approval of the Board of Supervisors.
D. Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value, i.e. $25.00.
E. Directly or indirectly use or allow the use of County property of any kind, including property leased to the County, for other than official activities. All employees have a positive duty to protect and conserve County property, including equipment, supplies, and other property entrusted or issued to them.
F. Engage in outside employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of County employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner.
G. Inhibit a County employee from joining or refraining from joining an employee organization.

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6.5 Conflict of Interest

A. Conflict of interest laws (A.R.S. §38-501 et.seq.) must be scrupulously observed. Employees must disclose their interest, if any, in the official records of Gila County and shall not participate in or vote for any contract, sale, purchase, or service in which they have an interest.

6.6 Dress and Grooming Code

A. Employees are expected to present themselves in a professional, businesslike image to co-workers and the public in regards to the job function performed. Appropriate personal appearance is an ongoing requirement of employment with Gila County. The Appointing Authority reserves the right to determine what are appropriate standards and attire.
B. All employees are required to wear their County issued identification badges while on duty. Badges should be worn so they are visible at all times.

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~~RULE~~ Policy 7 – Political Activity

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

7.1 Purpose: Prevention of Gila County employees from using their position, work time or public monies to engage in political activity.

7.2 Statement of Policy: Gila County employees have the right to vote as they choose and to entertain and express personal opinions about political candidates. When performing their duties on behalf of Gila County, employees must refrain from political activity while on duty or at public expense. ~~This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status.~~

7.3 Scope

A. Prohibitions and Exceptions: No employee of Gila County shall:
   1. Use any political endorsement in connection with any appointment to a position in County service; or
   2. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration; or
   3. Be a candidate for nomination or election to any paid partisan public office, or take any part in the management of any political campaign or recall effort; or
   4. Except for expressing his/her opinion or pursuant to A.R.S. §16-402, engage in activity permitted by this order while on duty, or at public expense.

B. When an employee, as defined by this policy, publicly declares himself/herself a candidate, allows himself/herself to be held out as a candidate, or circulates nomination petitions or allows nomination petitions to be circulated on his or her behalf, ~~(s)~~he/she must resign his/her position from County employment. Public declaration or announcements means making a statement in the print or electronic media, or at a public meeting or gathering.

C. Any employee during off duty hours may:
   1. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
   2. Make, solicit, or encourage contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.
   3. Sign and/or circulate candidate nomination or recall petitions.

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D. Nonpartisan Political Activity: County employees may be a candidate for and may serve in a nonpartisan elected or appointed public office, whether paid or not, including, but not limited to school boards, community college district governing boards and city or town councils, subject to A.R.S. §38-501 et seq. However, a County employee shall be prohibited from engaging in any activity resulting from the nonpartisan election or appointment to public office that is in any way adverse to or in conflict with the policies or interests of Gila County.

E. Penalties: A County employee who violates any provision of these policies ~~shall~~ may be subject to ~~suspension of not less than seven (7) days nor more than thirty (30) days or dismissal from County service~~ disciplinary action up to and including termination.

F. Protection of Civil Liberties: Nothing contained in these policies shall be construed as denying any County employee their civil or political liberties as guaranteed by the United States and Arizona Constitutions.

G. Employees not Qualified for Exemption: Employees subject to the Hatch Act are prohibited from taking active part in political management or in political campaigns; this includes the holding of the office of precinct committeemen, ward committeemen, etc., or service on or for any committee of a political party organization. An employee is subject to the Hatch Act if his/her salary is paid in whole or part through Federal grants or Federal monies other than revenue sharing funds.

H. Precinct Committeemen: Employees in both the classified or unclassified service who are not subject to the Hatch Act may hold the office of precinct committeeman or any derivative office.

I. Retaliatory Conduct Prohibited

1. A person shall not solicit any employee to engage or not engage in activities permitted by this order with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
2. A person shall not subject any employee engaging in activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion, intimidation or any other adverse consequences including the loss of any benefit, reward, promotion, advancement or compensation.
3. A person shall not subject any employee who chooses not to engage in any activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.

J. Use of County Resources

1. No County expenditure (direct or indirect) may be used to influence the outcome of an election. A.R.S. §11-410(A). This prohibition includes any use of County resources, including but not limited to personnel, equipment, material, building or other resource on behalf of one candidate vs. another candidate, or for or against a proposition or measure.
2. No public resources may be expended or directed for private benefit. (Const. Art. IX, Sec. 7). A partisan campaign is a personal or private endeavor. Aid, whether by direct or indirect use of County funds or

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resources, to any private or partisan campaign is in violation of the Constitution. Such a use of County funds or resources directly or indirectly for a partisan campaign is not within any of the County's powers granted by the State. (e.g., A.R.S. §11-251 et seq).

K. Electioneering or Influencing the Outcome of an Election

1. Arizona Revised Statutes do not offer specific definitions, but rely on common sense interpretations of these words and applying them to the specific fact situation to determine if political activity or electioneering has occurred, or if the outcome of an election has been influenced. Nevertheless, even neutral activities can be perceived as advocacy instead of informational. Neutral activities must be examined on a case by case basis and may be considered to be political activity or electioneering depending on the nature, tenor and timing of the activity, the audience being targeted, and whether or not the activity may bestow an unfair advantage on one of several competing interests.
2. Only neutral, factual information on the election may be provided on duty or using any County resource (including but not limited to telephone, copiers, vehicles, office, fax, signs, etc.) Bumper stickers related to an election may be placed on private vehicles but not on County vehicles.
3. The County will restrict its public information and advertising (on the internet web site or telephone voice mail systems) to neutral information and may distribute 1) the official action of the Board of Supervisors documenting their actions on the question, calling the election and canvass of returns; 2) publicity pamphlet; 3) sample ballots; 4) early voting
4. requests. All of these communication tools will be scripted for neutral messaging and advising citizens if they are interested in how they can request any of these materials.
5. No County offices, resources or property will be used to influence the outcome of an election.
6. No petitions for the purpose of collecting signatures will be displayed or circulated on any County property.
7. No campaign signs will be placed on any County property.
8. No advertising or flyers pro or con about an election, candidates or ballot issues will be available or distributed at any County facility. Advertising, flyers or campaign signs displayed on any County property or displayed within 75 feet of the main entrance of an early voting site may be removed and disposed of without prior notification to any individuals or parties. The County is not obligated to notify any individuals or parties of the removal or disposal of advertising, flyers or campaign signs after the removal has taken place. The County is not obligated to return any removed advertising, flyers or campaign signs to any individual or party.

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~~RULE~~ Policy 8 – Employment of Relatives

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

8.1 Purpose: To clarify supervisory and appointment structure.

8.2 Pursuant to A.R.S. §38-481, no official of the County, whether elected or appointed, shall appoint or vote for the appointment of any person related by marriage or consanguinity within the third degree or legal adoption.

8.3 Additionally, it shall be the County policy that no person who is related by marriage or consanguinity within the third degree to another within the County service shall supervise or be supervised by that person.

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~~RULE~~ Policy 9 – Computing and Communication Technology Use and Ethics

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee. **To ensure compliance with this policy, computer and e-mail usage may be monitored at any time. Employees should have no expectation of privacy when using County-provided/authorized equipment.**

9.1 Purpose: To protect the integrity of Gila County's computing and communication technology.

9.2 Conditions of Use

A. As used herein and in the policy on computing and communication technology ethics below, the term "computing and communication technology ~~facility~~" means, refers to and includes any and all forms of computer-related equipment, tools and intellectual property, including computer systems, personal computers, cell phones and computer networks and all forms of software, firmware, operating software and application software, which is owned by Gila County or is under the County's possession, custody or control. Users of the County's computing and communication technology ~~facility~~ are required to comply with and, by using any such technology ~~facilities~~, agree to comply with and be subject to the Gila County Policy on computing and communication technology ethics and these conditions of use. The County reserves the right to amend these conditions and policies at any time without prior notice.

B. To protect the integrity of Gila County's computing and communication technology ~~facility~~ and the users thereof against unauthorized or improper use of this technology ~~those facilities~~, the County reserves the right, without notice, to limit or restrict any individual's use, and to inspect, copy, remove or otherwise alter any data, file, or system resource which may undermine the authorized use of any computing and communication technology ~~facility~~. The County also reserves the right to periodically authorize specific personnel to check any of the County's computer systems and any other rights necessary to protect its computing and communication technology ~~facilities~~. The County disclaims responsibility for loss of data or interference with files resulting from its efforts to maintain the privacy and security of those computing and communication technology ~~facilities~~. Computing and communication technology is for business purposes only; de minimus personal use is permitted. A County employee who violates any provision of these policies shall be subject to disciplinary action up to and including termination.

9.3 Policy on Computing and Communication Technology Ethics

A. ~~Several users share the computing facilities of Gila County. These facilities must be used responsibly by everyone, since misuse by even one individual~~

~~has the potential to disrupt County wide business.~~ Gila County employees ~~You~~ are ~~therefore~~ required to exercise responsible, ethical behavior when using the County's computing and communication technology ~~facility~~. This includes, but is not limited to the following:

1. ~~You~~ Employees must use only those computer resources which ~~you~~ they have been individually authorized to use by Gila County Information Technology Department ~~your immediate supervisor~~. The unauthorized use of computer resources, as well as the providing of false or misleading information for the purpose of obtaining access to County computing and communication technology ~~facilities~~, is prohibited and may be regarded as a criminal act and treated accordingly by the County. ~~You~~ Employees must not use County computing and communication technology ~~facilities~~ to gain unauthorized access to computing and communication technology ~~facilities~~ of other institutions, organizations or individuals.
2. ~~You~~ Employees may not authorize anyone to use ~~you're~~ their computer accounts for any reason. ~~You~~ Employees are responsible for all use of their ~~your~~ accounts. ~~You~~ Employees must take all reasonable precautions, including password maintenance and file protection measures, to prevent use of ~~you're~~ their account by unauthorized persons. ~~You~~ Employees must not, for example, share ~~your~~ their password with anyone else.
3. ~~You must use your computer resources only for the purposes for which they were authorized. For example, accounts may not be used for private consulting~~. ~~You~~ Employees must not use ~~your~~ their computer resources for unlawful purposes, such as the installation of fraudulently or illegally obtained software. Use of external networks connected to the County's networks must comply with the policies of acceptable use promulgated by the organizations responsible for those networks.
4. Employees shall not use the organization's computing and communication technology for personal gain.
5. ~~You~~ Employees must not access, alter, copy, move or remove information, proprietary software or other files (including programs, members of subroutine libraries, data and electronic mail) without prior authorization from the Gila County Information Technology Department ~~appropriate departmental supervisor or his/her designee~~. ~~You~~ Employees must not copy, distribute, display or disclose third party proprietary software without prior authorization from the licensor. Proprietary software must not be installed on systems not properly licensed for its use.
6. ~~You~~ Employees must not use any computing and communication technology ~~facility~~ irresponsibly or needlessly affect the work of others. This includes transmitting or making accessible offensive, annoying or harassing material; intentionally, recklessly or negligently damaging any system; intentionally damaging or violating the privacy of information not belonging to them ~~you~~; intentionally misusing system resources or allowing misuse of system resources by others; or loading software or data from untrustworthy sources, such as free-ware, on to ~~administrative~~ systems.
7. ~~You~~ Employees are encouraged to report any violation of these guidelines ~~by another individual and any information relating to a flaw in or bypass~~

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~~of computing facility security~~ to ~~you're~~ their immediate supervisor or his/her designee.

9.4 Internet Usage

A. Internet access to global electronic information resources on the World Wide Web is provided by Gila County to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. All Internet usage is limited to job-related activities. De minimus personal use of the Internet is allowed. ~~not authorized~~.

B. All Internet data that is composed, transmitted, or received via ~~our~~ computer communications systems is considered to be part of the official records of Gila County and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

C. The equipment, services, and technology provided to access the Internet remain at all times the property of Gila County. As such, Gila County reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through ~~our~~ online connections and stored in the ~~our~~ computer systems. Approval from an Elected Official, Appointing Authority or Gila County Human Resources is required before any such retrieval or review may occur. (could have one EO looking at another EO's employees e-mail)

D. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law. The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

E. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

F. Abuse of the Internet access provided by Gila County in violation of law or Gila County policies will result in disciplinary action up to and including termination. ~~of employment~~. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of

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previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

1. Sending or posting discriminatory, harassing, or threatening messages or images;
2. Using the organization's time and resources for personal gain.

9.5 Computer, Cell Phones and E-mail Usage

A. Computers, cell phones, computer files, the e-mail system, and software furnished to employees are Gila County property intended for business use, not personal use. Employees should have no expectation of privacy when using County provided equipment. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer, cell phone and e-mail usage may be monitored. Approval from an Elected Official, Appointing Authority or Gila County Human Resources is required before any such retrieval or review may occur.

B. Gila County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Gila County prohibits the use of computers, cell phones and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons are not allowed. Other such misuse includes, but is not limited to: ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or creating a hostile and offensive work environment ~~showing disrespect for others~~.

C. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters except for those approved by the County Manager, Elected Officials or Appointing Authroity.

D. Gila County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Gila County does not have the right to reproduce such software for use on more than one computer.

E. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Gila County prohibits the illegal duplication of software and its related documentation.

F. Employees should notify their immediate supervisor, the ~~Personnel~~ Human Resources Director or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action up to and including termination ~~of employment~~.

G. The unauthorized or improper use of the Gila County computing and communication technology ~~facilities~~, including the failure to comply with the above guidelines, constitutes a violation of County policy and will subject the violator to disciplinary and/or legal action by the County, and, in some cases, criminal prosecution. In addition, the County may require restitution for any use of service which is in violation of these guidelines.

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~~H. Any questions about this policy or of the applicability of this policy to a particular situation should be referred to the Manager of Information Technology or his/her designee.~~

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~~RULE~~ Policy 10 – ~~Drugs and~~ Alcohol and Controlled Substances

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

10.1 Purpose: Gila County will establish and maintain a safe work environment and workforce free from the effects of alcohol and controlled substance abuse.

10.2 Statement of Policy

A. The Board of Supervisors of Gila County is committed to programs that promote safety in the workplace, employee health and well-being, and public confidence. Consistent with the spirit and intent of this commitment, Gila County has a zero tolerance policy when it comes to the use, possession, or distribution of ~~drugs and~~ alcohol or controlled substances on the job by employees. Employee abuse of ~~drugs and~~ alcohol or controlled substances adversely affects job performance and employee morale, jeopardizes employee safety, and undermines public confidence. ~~The goal of this policy is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of drug and alcohol abuse.~~

B. With respect to mandated ~~drug and~~ alcohol and controlled substance testing of CDL operators, the provisions of this policy affecting CDL operators complies with the Omnibus Transportation Employees Drug Testing Act of 1991 and in accordance with Title 49 Code of Federal Regulations, Parts 40, 382 and 391, Subpart H.

10.3 Employees Subject to Testing

A. The Post-Accident/Incident and Reasonable Suspicion provisions of this policy shall apply to all County employees. Additionally, the positions noted below are designated as "Safety Sensitive" and shall be subject to the Pre-Employment and Random testing of this policy.
   1. CDL Operator
   2. AZ POST certified officers and any employee who is issued a departmental weapon
   3. Detention Officer
   4. Jail Medical Staff

B. Those positions whose job functions list below shall be subjected to Random testing.
   1. Dispatchers/911 Dispatchers
   2. Employees routinely assigned to work in close proximity with County/State inmates
   3. Employees working with the Gila Employment and Special Training program
   4. Employees having to enter the homes of others
   5. Employees handling money

10.4 Prohibitions

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A. Employee abuse of alcohol or controlled substances compromises the safety of employees and the public it serves. Gila County prohibits the manufacture, use, sale, distribution, presence in the body, and presence on County property of prohibited controlled substances and alcohol by all employees in the workplace and further prohibits:
   1. Alcohol concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No manager/supervisor having actual knowledge that an employee has an alcohol concentration of 0.02 or greater shall permit the employee to perform or continue to perform work assignments.
   2. Alcohol on-duty use: No employee shall use alcohol while performing work assignments. No manager/supervisor having actual knowledge that an employee has used alcohol within the previous four hours shall permit an employee to perform or to continue to perform work assignments.
   3. Alcohol pre-duty use: No employee shall perform work assignments within four hours after using alcohol. No manager/supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.
   4. Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
   5. Refusal to submit to a required alcohol or controlled substance test: No employee shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No manager/supervisor shall permit an employee who refuses to submit to such tests to perform or continue to perform work assignments. If an employee refuses to submit to the required testing, the manager/supervisors and/or County official will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall result in disciplinary action up to and including termination. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
   6. Controlled substances use
      a. No employee shall report for duty or remain on duty requiring performance of work assignments when the employee uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's performance ~~ability to safely operate a vehicle or equipment~~.
      b. No manager/supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform work assignments.

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c. An employee shall inform ~~the Personnel Department~~ Human Resources of any therapeutic controlled substance ~~drug~~ prescription that may adversely affect his work performance.

7. Controlled substances testing: No employee shall report for duty, remain on duty or perform work assignments if the employee tests positive for controlled substances. No manager/supervisor having actual knowledge that an employee has tested positive for controlled substances shall permit the employee to return to duty.

10.5 Required Tests

A. Safety Sensitive: Employees and prospective employees ~~including CDL operators~~ whose positions are designated as "safety sensitive" are subject to alcohol and controlled substances testing under the following circumstances:
   1. Pre-employment testing.
   2. Post Accident/Incident testing.
   3. Random testing.
   4. Reasonable suspicion testing.
B. Non-Safety Sensitive: Employees who do not occupy designated safety sensitive positions are subject to alcohol and controlled substances testing under the following circumstances:
   1. Post Accident/Incident testing.
   2. Reasonable suspicion testing.
C. Controlled substance testing is conducted based on the analysis of a urine sample provided by the employee or potential employee. The controlled substances selected do not have a legitimate medical purpose and are widely abused. Tests for the following controlled substances and their metabolites shall be performed; not limited to: Marijuana, Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines.
D. Alcohol testing shall be conducted by Evidential Breath Test (EBT). The EBT test identifies the concentration level of alcohol within the body.

10.6 Testing Procedures

A. The procedures and supervisory responsibilities are defined for each required test as follows:
   1. Pre-Employment Testing: Following an offer of employment to a potential employee for any position ~~identified as safety sensitive~~ and prior to the first day of employment, the following shall take place:
      a. The potential employee shall be informed that employment is conditional pending results of a controlled substance test.
      b. The controlled substance test must result in a verified negative. A potential employee who fails a pre-employment ~~drug~~ controlled substance screen shall not be hired.
      c. Required pre-employment controlled substances testing shall be coordinated by Human Resources ~~Personnel~~.

(Items "d" through "g" below pertain to positions requiring a CDL operator's permit)

      d. In accordance with 49 CFR part 40.25, newly employed CDL operators must provide ~~the Personnel Department~~ Human Resources with written

consent to acquire his/her previous employer(s) information concerning participation in a ~~drug and~~ alcohol or controlled substance testing program for the past two years. This information is only required if the employee performed safety sensitive functions as a CDL operator for the previous employer.

e. ~~Personnel~~ Human Resources must provide to the previous employers of the past two years a written authorization from the CDL operator for release of the required information. The release of this information may take the form of personal interviews, letters or any other method that ensures confidentiality. Gila County shall maintain a written, confidential record with respect to each past employer contacted.

f. The potential employee may not be employed if the information obtained indicates the potential employee has tested positive for controlled substances ~~drugs~~, tested at or above 0.04 breath alcohol concentration, or refused to test unless it can be established that he/she has completed the return to duty requirements as set forth in 49CFR part 40 Subpart O.

g. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than 30 days following date of hire without confirming the information required in paragraphs d, e and f above.

2. Post Accident/Incident Testing: When any County employee is involved in an accident/incident ~~accident while operating a County vehicle~~, the employee shall submit to ~~drug and~~ alcohol and controlled substance testing pursuant to the following guidelines. The testing should be done immediately, but no later than 8 hours after the accident in the case of alcohol testing, and 32 hours after the accident for controlled substances.

   a. Accidents requiring testing:

      1. Any accident or incident involving human fatality.
      2. Any accident or incident in which ~~(1~~) the County operator is cited by law enforcement, ~~and (2)~~
      3. Any accident or incident in which bodily injury is incurred by any person requiring ~~immediate~~ medical treatment ~~away from the scene~~.
      4. Any accident or incident in which ~~(1) the County operator is cited by law enforcement, and (2)~~ one or more motor vehicles incurred disabling damage ~~as a result of the accident~~, requiring the motor vehicle to be transported away from the scene ~~by a tow truck or other motor vehicle.~~

   b. When a required ~~drug or~~ alcohol or controlled substance test has not been administered within four hours, a report stating the reason a test was not promptly administered shall be written by the manager/supervisor which may result in disciplinary action up to and including termination for either/or both the employee and the manager/supervisor. ~~the time frames below following the accident, the following actions shall be taken:~~

~~Time Elapsed~~	~~Action Required~~
~~2 hours~~	~~If the employee has not submitted to an~~

~~alcohol test at this time, the supervisor shall prepare a report stating the reason a test was not promptly administered. The report shall be forwarded to Risk Management for filing~~.

~~8 hours~~ ~~If the employee has not submitted to an alcohol test at this time, the County shall cease attempts to administer alcohol test and the supervisor is to prepare a report as described above. The report shall be forwarded to Risk Management for filing~~.

~~32 hours~~ ~~If the employee has not submitted to a controlled substance test at this time, the County shall cease attempts to administer the test and the supervisor is to prepare a report as described above. The report shall be forwarded to Risk Management for filing.~~

c. The following steps shall be followed by the supervisor in all post accident testing:
   1. All injuries shall be treated first.
   2. The employee and the supervisor shall cooperate with all law enforcement officers.
   3. ~~The supervisor must contact the Risk Manager and other designated superiors prior to any action being taken.~~
   4. The supervisor will explain to the employee that testing is required to ensure that ~~drugs or~~ alcohol or controlled substances were not a contributing factor in the accident.
      (a) ~~If the employee refuses to submit to the required testing, the supervisor shall inform the employee that:~~
         ~~(i) The refusal to submit to testing will be considered a failure of the testing requirement.~~
         ~~(ii) Continued refusal to submit to either drug or alcohol testing will result in the employee being placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.~~
         ~~(iii) The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.~~
      (b) ~~If the employee agrees to the testing, a~~
   5. The supervisor or someone in authority will transport the employee to the designated testing facility collection site. The supervisor or someone in authority will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
      ~~(i) If the employee refuses to cooperate with the testing process, such refusal will be considered a failure of the test and the employee will be placed on administrative~~

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~~suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.~~

~~(ii) The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.~~

6. After the sample collections are obtained, ~~the supervisor shall contact Risk Management to determine if~~ the employee may not be allowed to return to duty and may be placed on administrative leave with pay pending the results ~~or provided with transportation home~~.

3. Random Testing: ~~The Personnel Department~~ Human Resources shall conduct unannounced random selection for both the controlled substance and alcohol testing. A statistically verifiable computer-generated random selection process shall be used to select the appropriate percentage of employees from each pool to be tested. In addition, ~~Personnel~~ Human Resources may also conduct a 100% test of all eligible individuals all at one time on an annual basis.

   ~~a. Refusal to submit to either controlled substance testing or alcohol testing: If an employee refuses to submit to the required testing, the refusal shall be considered a failure of the testing requirement. The employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.~~

   b. Any selected employee who is absent from duty on the date designated for random testing will not be informed of the selection and will automatically be added to the following testing period.

   c. The testing will be evenly distributed throughout the year. Specimen collection will be done on different days of the week ~~throughout the annual cycle~~.

   d. Sample collection for random ~~drug~~ controlled substances testing and ~~breath~~ alcohol testing will be conducted at one or more designated and certified collection sites.

4 Reasonable Suspicion Testing: Reasonable suspicion of ~~drug or~~ alcohol or controlled substance use by an employee may be established by observation or report of the employee's behavior, admission by the employee, and/or evidence of conduct that shows impairment or shows physical signs of being under the influence. Upon determining that reasonable suspicion exists, the employee shall be required to submit to ~~drug and/or~~ alcohol and/or controlled substance testing.

   a. The decision to require testing for reasonable suspicion will be based upon objective observation by two or more supervisors or County officials, ~~at least one of which has been trained to make such a determination~~. Once a determination has been made that there is reasonable suspicion to believe that the employee's behavior warrants testing, the following actions must be taken:

      1. The supervisors and/or County officials must contact ~~the~~ Risk Management ~~Safety Officer~~ or designee prior to any action being taken.

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2. If there is agreement that testing is warranted, the supervisors, and/or County officials must inform the employee of their observation. This discussion **MUST TAKE PLACE IN A PRIVATE SETTING.** The supervisors and/or County officials are required to explain that they have reasonable suspicion to believe that this behavior warrants testing.

~~b. Refusal to Submit: If the employee refuses to submit to the required testing, the supervisors and/or County official will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.~~

c. ~~Agrees to submit: If the employee agrees to the testing, a~~ The supervisor will transport the employee to the designated testing facility collection site. The supervisor will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.

1. If the employee does not cooperate with the testing process, this action will be considered as a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.
2. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.

d. After the sample collection(s) are obtained, the employee shall be placed on administrative leave with pay pending the results.

e. The supervisor shall document, in writing, the events that led to the testing and the conversations and events that followed the request.

f. If the results of the testing are negative, the employee will return to work duties ~~be reinstated~~.

g. If the results of the testing are positive, the employee will be placed on administrative ~~suspension~~ leave with pay pending a review of the circumstances. Barring any extenuating circumstances, a positive controlled substance or alcohol test shall result in termination ~~be considered grounds for dismissal~~.

10.7 Controlled Substance Testing Procedures

A. Urine Sample Collection: The County will contract with an approved laboratory to perform all urine sample collections. Collection site personnel shall collect ALL required samples in accordance with FHWA guidelines as outlined in 49 CFR Part 40.

1. The collection of the specimen shall be accomplished in a private setting without observation unless direct observation is deemed necessary by collection site personnel.

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a. The collection rest room must be inspected before and after each collection.
b. Collection site personnel are required to verify employee identification by requesting to see a valid driver's license or identification with a photograph.
c. Employees shall be required to allow collection site personnel to inspect personal belongings that may have been brought to the site.
d. Collection site personnel may ask the employee to remove any unnecessary outer garments (jackets, sweaters, coats, etc.) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen.
e. The employee will be allowed to take their wallet into the collection room with them.

2. Consistent with Federal guidelines, the "split sample" method of collection shall be used.
   a. The collection site person shall instruct the employee to provide at least 45 milliliters (ml) of urine under the split sample method into a single collection bottle.
   b. Once an adequate specimen has been collected and verified, the collection site person shall divide the specimen into two (2) bottles labeled "Primary" and "Split" specimen.
   c. The collection site person shall seal the samples, fill out the required "Chain of Custody" forms, and forward the samples to the testing laboratory.
3. Insufficient amount of urine: Upon receiving the specimen from the donor, the collection site technician shall determine if it has at least 30 milliliters of urine for the primary specimen bottle and an additional 15 milliliters of urine for the split specimen bottle. If the employee is unable to provide a sufficient quantity of urine:
   a. The collection site technician shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container.
   b. The original insufficient specimen shall be discarded and the MRO notified.
   c. Failure to provide an adequate sample will be deemed a failed test unless the employee provides sufficient information to the MRO to determine an underlying health related condition is the cause for the insufficient sample.
4. Failure to comply with the collection site technician directions will be considered a failure of the testing requirements.
5. Altered or substituted urine specimen: If the collection site person has reason to believe that an employee may have altered or substituted the urine specimen, ~~the~~ Gila County ~~Personnel Department~~ Human Resources shall be immediately notified.
   a. The employee may be subject to disciplinary action and will be placed on administrative ~~suspension~~ leave with pay pending a review of circumstances.
   b. The employee shall be offered transportation home.

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6. Both bottles of the split sample (primary and split) provided by the employee shall be shipped in a single shipping container, together with the appropriate chain of custody forms, to the testing laboratory.
   a. The testing laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample in a secure location.
   b. If the result of the testing of the primary specimen is negative, the laboratory may discard the split specimen.
   c. If the result of the testing of the primary specimen is positive, the laboratory shall retain the split specimen in storage for sixty (60) days from the date on which the laboratory acquires it. Following the end of the sixty (60) day period, if not informed by the Medical Review Officer (MRO) that the employee has requested a test of the split specimen, the laboratory may discard the split specimen.

B. Laboratory Testing Procedures: As specified by Federal regulations, all urinalysis testing shall be conducted by a laboratory that meets the guidelines that have been established by the Department of Health and Human Services (DHHS) in full compliance with 49 CFR Part 40.

C. Medical Review Officer (MRO): The MRO is a licensed physician (MD or DO) selected by the County to review and evaluate the results of verified positive ~~drug~~ controlled substance test results. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate test results, including the employee's medical history and any other relevant biomedical information.
   1. The MRO shall report to ~~the Personnel Department~~ Human Resources whether the test is verified positive or verified negative, and may report the ~~drug~~ controlled substance(s) for which there was a positive test.
      a. Employee notification of positive results: If the results of the ~~drug~~ controlled substance testing are positive, the MRO shall make a determination that the testing process was accurate, and the employee's medical history will be reviewed. The MRO shall then contact the employee directly by telephone, on a confidential basis, to determine whether the employee wishes to discuss the test results and to provide an opportunity for the employee to explain why the test result was positive. Sometimes, a legitimate medical explanation for the results exists, including legally prescribed medication(s).
         (i) If, after making reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact ~~the Personnel Department~~ Human Resources or its designee, who shall contact the employee's supervisor to direct the employee to contact the MRO.
         (ii) If, after making all reasonable efforts, the County is unable to contact the employee, the employee shall be deemed to have failed the test and shall be subject to immediate termination ~~dismissal~~.
   2. Split Specimen: In a verified positive test, the MRO shall notify the employee of the verified positive test. The employee has seventy-two (72)

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hours in which to request a test of the split specimen at the **employee's own expense.**

D. Test Results

1. ~~A verified positive drug test requires the removal of the employee from performing a safety-sensitive function without delay pending the results of the test of the split specimen. Therefore, u~~ Upon notification by the MRO that the ~~primary~~ split specimen results are positive, the employee will be terminated ~~placed on administrative suspension leave with pay pending the results of the test of the split specimen~~. If testing of the split specimen results in a negative finding, the employee shall return to work ~~be reinstated with back pay~~.
2. If the analysis of the split specimen results in a confirmed positive test as determined by the MRO, the MRO will then notify the County of the results. The County will then inform the employee that the drug test has returned positive, and the employee will be dismissed from County employment.
3. Dilute Specimen: If the MRO reports that a ~~positive drug~~ controlled substance test was dilute, the test result will be treated as a verified positive test. ~~If the MRO reports that a negative test was dilute, the County will require retaking of the test only if the test was the result of a post-accident or reasonable suspicion examination.~~

10.8 Alcohol Testing Procedures

A. Alcohol testing may be conducted through the use of a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). Employees shall be tested for alcohol at locations that prevent unauthorized persons from seeing or hearing test results. The necessary equipment, personnel, and materials for breath testing shall be provided at the locations where testing is conducted.

B. Exception: Post-accident or other unusual circumstances that require a test to be conducted at a location and does not fully meet the requirements. In such a case:

1. The visual and aural privacy shall be provided to the employee to the greatest extent possible.
2. This test may be conducted by law enforcement personnel. Risk Management shall acquire a copy of the alcohol testing results.

C. Prior to and during an EBT: The BAT shall supervise only one employee's use of EBT testing device at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress.

1. Prior to the test, the BAT shall instruct the employee step by step through the testing process:
   a. The BAT will require the employee to provide positive identification (drivers license) if the BAT does not know the employee.
   b. On request by the employee, the BAT shall provide identification to the employee.
   c. The BAT shall explain the testing procedures to the employee.
   d. An individually sealed mouthpiece shall be opened in view of the employee and the BAT shall instruct the employee how to attach it to the EBT testing device.

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e. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT testing device indicates that an adequate amount of breath has been obtained.
f. The screen test resulting in a breath alcohol concentration of less than 0.02 shall be determined to be negative.
g. The BAT shall show the employee the result of the EBT.
h. The BAT shall transmit the result of less than 0.02 to ~~the County~~ Human Resources in a confidential manner.

D. Confirmation Test: When the first screening test results in an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. The purpose of this requirement is to prevent any accumulation of mouth alcohol leading to an artificially high reading.

E. Transmission of Alcohol Testing Records: The BAT shall transmit all results to ~~the County Personnel Department~~ Human Resources in a confidential manner. All communications concerning the alcohol testing results of employees shall be made solely to a designated ~~County~~ Human Resources representative. Such transmission may be in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to ~~the County~~ Human Resources of results that require the County to prevent the employee from returning to work ~~performing a safety-sensitive function(s).~~ All test records shall be confidential and maintained in an area with controlled access.

F. Refusal to Test: If an employee refuses to cooperate with any part of the testing process, he/she will be placed on administrative ~~suspension~~ leave with pay pending a review of circumstances and driven ~~will be offered a ride~~ home. The BAT shall immediately notify the ~~County Personnel~~ Human Resources Director or designee. Barring any extenuating circumstances, the employee shall be terminated. The termination of testing will be considered a failure of the testing requirement and the employee will be subject to termination ~~dismissal~~ when:
1. The employee refuses to complete and sign the breath testing form; or
2. The employee refuses to provide breath, or does not provide an adequate amount of breath; or
3. The employee refuses to cooperate with the testing process and prevents the completion of the test.

G. Test Results: An employee who is found to have an alcohol concentration of 0.02 or greater ~~shall be placed on administrative suspension with pay for a period of not less than 24 hours following administration of the alcohol test. The employee shall be offered transportation home. Barring any extenuating circumstances, the employee~~ will be disciplined, up to and including termination barring any extenuating circumstances.

10.9 Maintenance of Records

A. General Provisions: All records are confidential and shall be filed in an area with controlled access. Except as required by law or unless expressly authorized by the employee through the provision of a signed release, designated employee information that is contained in the records shall not be released.

B. Availability and Disclosure of Testing Information

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1. Records of ~~Drug~~ Controlled Substance Testing
   a. Contracts with testing laboratories shall require that the laboratory maintain employee test records in confidence. The contracts shall provide that the laboratory shall disclose information related to a positive ~~drug~~ controlled substance test of an employee to the employee, the employer, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a certified positive ~~drug~~ controlled substance test.
   b. An employee who has been subjected to a controlled substances test conducted under this policy shall, upon written request, have access to any records relating to that employee's ~~drug~~ controlled substance test, and to any records relating to the results of any relevant certification, review, or revocation of certification proceedings.
   c. The MRO shall not disclose to any third party medical information provided by the employee to the MRO as part of the testing verification process. The MRO may disclose such information to Human Resources ~~the County~~, a DOT agency, or other Federal safety agency, or a physician responsible for determining the medical qualifications of the employee under applicable regulations.
2. Releasing Records of Alcohol Testing
   a. An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his/her alcohol test.
   b. Access to all facilities utilized in complying with the requirements of the regulations shall be made open to all regulatory authority.
   c. When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the County, or a state agency with regulatory authority over the County, the County shall make available copies of all results of County CDL operator alcohol testing conducted under such requirement and/or authority, and any other information pertaining to the County's alcohol misuse prevention program. The information shall include the name of the specific alcohol test, test results, records, and reports.
   d. When requested by the National Transportation Safety Board as part of an accident investigation, the County shall disclose information related to the County's administration of any CDL operator post-accident alcohol tests administered following the accident.
   e. ~~The County~~ Human Resources shall make records available to a subsequent employer upon written request from a covered employee. Disclosure of records to a subsequent employer without a written request from a covered employee is forbidden.
   f. ~~The County~~ Human Resources may disclose information pertaining to a covered employee to that employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and arising from the results of an alcohol test administered under the requirement of the law, or from the County's determination that the employee engaged in conduct prohibited by a DOT agency regulation. Such information can be released ~~to~~ including, but not

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limited to, worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

g. ~~The County~~ Human Resources shall release information regarding a designated employee's records as directed by a specific, written consent of the employee authorizing release of information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.

C. Records Retention: In the case of employees who fail to pass a ~~drug and/or~~ alcohol and/or controlled substance test, all collection and test records shall be retained for five (5) years. Such records will only be retained for one (1) year for employees who pass the ~~drug and/or~~ alcohol and/or controlled substance test.

D. Reporting: ~~The~~ Gila County ~~Personnel~~ ~~Department~~ Human Resources will maintain information as required and shall submit reports tracking CDL operator testing as required by Federal regulations to the DOT.

E. Reviewing Records: An employee may request to review their controlled substance and alcohol test results ~~Substance Abuse records~~ per current County Policy.

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EMPLOYEE ACKNOWLEDGMENT

I acknowledge that Gila County is committed to preventing accidents and injuries resulting from the misuse of alcohol or illegal or improper use of controlled substances. Therefore, in compliance with the Federal Drug-Free Workplace Act of 1988, other Federal and State mandates, and in accordance with the County's own precepts and philosophy, I further understand that the following behaviors are punishable offenses up to and including termination:

1. Reporting to work under the influence of a prohibited ~~drug~~ controlled substance or under the influence of alcohol;
2. The use, consumption, sale, purchase, transfer, or possession of any prohibited ~~drug~~ controlled substance by any employee during working hours, while on work assignments, or on County premises; and
3. The consumption of alcohol by any employee during work hours or on County premises.

Conditions of Employment: As an employee, I understand that I am expected to abide by the terms of this policy as a condition of employment and to notify ~~the Personnel Department~~ Human Resources of any drug statute and/or alcohol related conviction no later than five (5) days after such conviction. I understand that every possible effort shall be expended to hold such information in confidence within the County, but such information may be required to be reported to a State or Federal agency if a grant or contract funding for the position is involved, or as otherwise required by law or regulation.

I acknowledge that I have received a copy of the County ~~Drug and~~ Alcohol and Controlled Substance Policy and have been given the opportunity to clarify any questions I might have. I understand the types of ~~drug and~~ alcohol and controlled substance testing I am subject to given my position in the county and I agree that, as a condition of employment, I will abide by all provisions, conditions, and any amendments as set forth in this policy.

_____
Employee Printed Name

_____ _____
Employee Signature Date

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~~RULE~~ Policy 11 – Work Place Searches

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

11.1 Purpose: To clarify that employees should have no expectation to a right to privacy with assigned County provided office equipment and tools

11.2 For the mutual convenience of employees and Gila County, employees may be assigned County provided equipment such as vehicles, lockers, desks, cabinets, and brief cases work space, telephones, cell phones, laptops, desktop computers and credit cards. Employees are hereby advised that the retention of any personal items in such equipment is at the employee's own risk, and Gila County and any supervisors will not be responsible for any losses.

11.3 Any County provided equipment is subject to entry, search, and inspection by authorized personnel without prior notice. Any privately owned property contained in such equipment (including the contents of sealed items/containers) may also be opened and examined without prior notice and without permission to investigate work-related misconduct. This includes any County provided equipment that is protected by a personally owned lock that an employee may place on that equipment. Therefore, employees should have no expectation of privacy when using County provided equipment.

11.4 Work place searches must be authorized by Elected Official, the County ~~Administrator~~ Manager, the ~~Personnel~~ Human Resources Director, or designee of same.

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~~RULE~~ Policy 12 – Workspaces, Food and Chemical Hazards

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

12.1 Purpose: To establish guidelines concerning the use and appearance of workspaces within Gila County facilities.

12.2 Workspaces

A. ~~Concept: To establish guidelines covering the use and appearance of workspaces within Gila County facilities.~~

B. ~~Statement of Policy:~~ Employees assigned specific workspaces within Gila County facilities are personally responsible for maintaining such areas in a manner that will not produce safety hazards to the employee or others and which produce an image of neatness, orderliness, and efficiency when viewed by others.

C. ~~Scope:~~ Workspace safety and appearance standards are established by the Gila County Board of Supervisors, Elected Officials, Department Heads and ~~Division Directors~~ Supervisors within their areas of responsibility. Within such established standards, employees may personalize their individual workspaces to include photographs, wall hangings, plants and small items of a personal nature if in keeping with good taste and professionalism expected of County employees by the public. Employees are particularly discouraged from eating in public view at their work stations and in the proximity of computer equipment.

12.3 Cleaning Chemicals

A. ~~Concept~~: Employees have both a need and a right to know the hazards and identities of the cleaning agents they are exposed to when working. This policy will help to provide a safer workplace by taking steps to reduce exposures and prevent the occurrence of work-related illnesses and injuries caused by cleaning chemical products.

B. ~~Statement of Policy:~~ Under no circumstances will a cleaning chemical that is not pre-approved by Gila County Facilities Management Department be brought on to the premises. This includes but is not limited to dish washing soap, window cleaners, disinfectants, bleach or ammonia agents. Most cleaning agents used in the workplace have some hazard potential and will be covered by this policy.

C. ~~Scope:~~ Chemical manufacturers and distributors are required to provide the appropriate labels and material safety data sheets (MSDS) when requested. Gila County requires this information to be on site and available to anyone that is exposed to the chemical. Proper training in the use and the potential hazards of using the cleaning chemical will be required before any employee is allowed to use such a product on County property.

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12.4 Food Sanitation

A. ~~Concept:~~ This policy shall apply only where employees are permitted to consume food or beverages, or both, on the premises.

B. ~~Statement of Policy:~~ Eating and drinking areas: No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material. No food or beverages shall be stored or prepared in a toilet room. Specimens or evidence shall not be put into a refrigerator storing food. Waste disposal containers: No food, wrapper, seed shell, peel or beverage containers will be disposed of in trash receptacles at individual work stations. Each department will provide receptacles constructed of smooth, corrosion resistant, easily cleaned, or disposable materials, and used for the disposal of waste food. The number, size, and location of such receptacles shall encourage their use and not result in overfilling. They shall be emptied not less frequently than once each working day, unless unused, and shall be maintained in a clean and sanitary condition. Receptacles shall be provided with a solid tight-fitting cover.

C. ~~Scope:~~ All facilities and operations shall work in accordance with sound hygienic principles. ~~The floor of~~ ~~e~~ Every ~~workroom~~ workspace shall be maintained, ~~and~~ kept clean and free of food and debris. ~~This policy is meant to provide better air quality and sanitation for employees and the public in Gila County facilities.~~

12.5 Candles, air fresheners, scented plug-in devices, incense and deodorizer should not be used in the workspace.

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~~RULE~~ Policy 13 – Classification Plan

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

13.1 Purpose: To establish job titles, job descriptions, duties and responsibilities of Gila County employees.

13.2 ~~Nature of Plan~~: The Classification Plan, as approved by the Board of Supervisors, shall include for each class of positions which fall under these policies ~~rules~~ an appropriate title and a class specification. The Director shall maintain the official class specifications in the Classification Plan. The Board of Supervisors may establish new classifications and divide, combine, alter or abolish existing classifications based upon the recommendation of the Director. Revisions to a class specification may be approved by the Director.

13.3 Interpretation of Class Specifications

A. Nature and Interpretation of Class Specifications: Class specifications are descriptive and explanatory and are not restrictive. The language of class specifications is not all inclusive and shall not be construed as limiting or modifying the authority which Appointing Authorities have to add or delete duties and responsibilities, so long as such changes fall within the general guidelines of the classification of the position involved. Changes in the duties and responsibilities of a position which are not within the general guidelines of the classification must be reported to the Director by the Appointing Authority.

B. Title of Position
   1. The class specification title of a position shall be used in all financial and personnel documents.
   2. For purposes of internal administration, agency correspondence or for any other purpose not involving the personnel processes, abbreviations, code symbols or descriptive adjectival titles may be used in lieu of the class titles.

C. Minimum Qualifications: Minimum qualifications are statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of any appointee's potential to perform the work properly. When minimum qualifications are increased, the additional qualifications shall not be applicable to incumbents of the class as to their eligibility for promotion consideration, unless the added qualification establishes a degree from an educational institution, license, similar added qualification required by law or the duties of the classification. All subsequent applicants for the class must qualify under all minimum qualifications, including those added pursuant to this policy ~~Rule~~.

D. General Qualifications: All persons applying or holding any position in the County service shall be required to meet the following general qualifications: integrity, honesty, dependability, ~~industry,~~ thoroughness, accuracy, good

judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others willingness and ability to assume and fulfill the responsibilities of the employment, good health and physical and mental abilities compatible with the work assignment. Where the position requires the operation of a motor vehicle, the applicant or employee must have a valid Arizona operator's license and shall operate the vehicle in conformance with the applicable motor vehicle laws. These qualifications shall be deemed to be part of the minimum qualifications of each class and need not be specifically set forth therein.

13.4 Classification Administration

A. County positions are allocated to an individual job class, or to a group of positions having similar duties, levels of skill, and responsibilities based on the position descriptions developed within each department. Class specifications are then developed based on these positions descriptions. The group of positions allocated to a common class with a set of specifications, or class description, is then assigned a single pay range within the County compensation plan.

B. Elected Officials, the County Manager, Deputy/Assistant County Managers and Department Directors are responsible for ensuring that the contents and intent of each classification specification assigned to positions under their direction correctly reflect the duties and responsibilities being performed in each position.

C. Elected Officials, the County Manager, Deputy/Assistant County Managers and Department Directors shall be responsible for informing ~~the Personnel Department~~ Human Resources in writing of changes in a position's duties/responsibilities in their office or department that might possibly affect the classification of such a position.

D. The ~~Personnel~~ Human Resources Director may initiate a classification review to update and modify classification specifications or any component of the classification as is deemed necessary.

E. If any Elected Official, the County Manager, Deputy/Assistant County Manager, or Department Director desires that a position be reviewed for a possible reclassification, they will forward a request to the ~~Personnel~~ Human Resources Director. The request should state the employee's name, current classification, requested classification, and the basis for the request. ~~Reclassification reviews will be conducted annually.~~ Individuals scheduled for reclassification review will be required to complete a Gila County Position Description Questionnaire completed by the incumbent or immediate supervisor if the position is vacant, and reviewed and signed by the Elected Official, ~~County Manager, Deputy/Assistant County Manager or Department Director~~ Department Head or Supervisor. ~~Position Description Questionnaires will be accepted in the Personnel Department Human Resources no earlier than February 1st and no later than March 31st of each year. Position Description Questionnaires will be forwarded to an independent professional consulting firm for review and recommendation at the expense of the requesting department or elected official.~~

F. A reclassification may result in one of four actions: (1) no change; (2) a change in classification specification with no change made to pay grade; (3)

change in pay grade upward; (4) change in pay grade downward. If a reclassification results in an increase in pay grade, the Board of Supervisors or designee's approval must be obtained. ~~If a classification action results in a change in pay grade upward, the corresponding change in the incumbent's salary will be the greater of the new grade at their current pay step minus one step or at step 1 of the new grade, whichever is higher. A lower step within the grade may be assigned at the discretion of the Appointing Authority. Upon successful completion of promotional probation, the incumbent is eligible for a one step increase. If a classification results in a change of range upward, the requesting department will be responsible for funding the increase and including additional funds that are necessary in the budget request for subsequent years. Requests for any additional funding in current or future budget years must be transmitted to the Finance Office for review and forwarding to the County Manager for action by the Board of Supervisors as may be required.~~

13.5 Classification Controls: A position shall have been allocated to a specific class before final administrative action can be taken by an Appointing Authority on appointment, transfer, promotion, demotion or change in compensation rate or payment of salary with respect to the position.

13.6 Official Copy of Class Specifications

A. Official Class Specifications: The Director shall maintain a master set of all approved class specifications. Such specifications shall constitute the official specifications in the Classification Plan. The copies of the specifications for each class indicate the date of adoption or the last revision of the specification for such class.

B. Issuance of Specifications: The Director shall provide the agency with a set of class specifications appropriate to that agency. Such class specifications in the agency office, as well as the master set in ~~the Personnel Department~~ Human Resources, shall be open for inspection by the employees or the public under reasonable conditions during business hours.

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~~RULE~~ Policy 14 – Compensation Plan

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

14.1 Purpose: The Compensation Plan shall provide pay ranges and/or other compensation schedules for the various classes with the salaries consistent with functions outlined in the Classification Plan to insure equal pay for equal work. The Compensation Plan is established, controlled, and maintained by authority of the Board of Supervisors.

14.2 Authority: Pursuant to its jurisdiction under A.R.S. §11-251, *et seq*., compensation of County employees shall be solely within the jurisdiction of the Board of Supervisors. No other commission, department or Appointing Authority shall be entitled to make any decisions as to the compensation of County employees without the express consent of the Board of Supervisors.

14.3 Adoption of Compensation Plans: The Board of Supervisors shall adopt as official County policy a compensation plan. A copy of such compensation plan shall be made available to any County employee by the Director upon the employee's request, together with any amendments thereto by the Board of Supervisors.

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~~RULE~~ Policy 15 – Announcements, Applications and Selection Process ~~Examinations~~

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

15.1 Purpose: To define the process for selection for Gila County employment.

15.2 Individuals with disabilities may request reasonable accommodation in the application or testing process through ~~the Personnel Department~~ Human Resources.

15.3 Job Announcements

A. Open Job Announcements: All open jobs ~~announcements~~ ~~shall~~ must be ~~by~~ posted for public notice for no less than five (5) working days or on an open-continuous basis. Every reasonable effort shall be made to attract qualified applicants ~~persons~~ to compete in the ~~examination for appointments~~ selection process.

B. Promotional Announcements:
   1. County-wide Promotions: Reasonable efforts shall be made to communicate with County employees concerning promotional opportunities.
   2. Intra-departmental Promotions: At the determination of the Appointing Authority, recruitment may be limited to employees of only the department having the vacancy.
   3. Promotional announcements shall be open for no less than five (5) calendar days.

C. Content of Job Announcements
   1. A job announcement shall specify the official classification title, salary range, description of work to be performed or where this information may be obtained, the minimum qualifications and any special qualifications, the final date for receipt of applications or statement of open-continuous recruitment, and how to apply.

15.4 Applications

A. Official Forms: All applications shall be on forms provided by ~~the Personnel Department~~ Human Resources.

B. Filing Applications
   1. Applications for other than open-continuous recruitment classifications must be completed and received ~~in the~~ by Gila County ~~Personnel Department~~ Human Resources as designated in the announcement before 5:00 p.m. on the final filing date specified, or postmarked by midnight of the specified date. Applications for open-continuous recruitment classifications may be filed at any time.

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2. Applicants shall submit such documents or supplemental information as required by the Director in order to verify and accurately evaluate the Applicant's qualifications and background.
3. Issuance of an application form shall not be construed as incurring an obligation. In no case shall acceptance of an application constitute assurance of meeting the minimum qualifications.

C. Qualifications: ~~Examinations~~ The selection process shall be open to all persons who meet the qualifications and standards provided in the ~~Examination~~ job announcements and provisions of Policy ~~Rule~~ 13.~~2~~.3.C.and D. Additional qualifications shall be added to the announcement if such qualifications are required under applicable Arizona Revised Statutes or regulations ~~or retirement or employee benefit systems~~.

D. Disqualification of Applicants: The Director may refuse to ~~examine~~ select an Applicant, or after the ~~examination~~ selection process, may disqualify a Candidate if it is found that the individual:

1. Does not meet the minimum qualifications established for the classification or position;
2. Is determined to be physically or mentally unable to effectively or safely perform the essential functions of the ~~classification~~ job applied for, with or without reasonable accommodation;
3. ~~Is addicted to the~~ Uses ~~of~~ controlled substances or other substances in a manner which would affect the ability to safely, effectively and dependably perform the duties of the ~~classification~~ job applied for;
4. Has made a false statement of material fact in the application process;
5. Has used, or attempted to use, political pressure or bribery to secure an advantage in the ~~examination~~ selection process or in the appointment to a position in County employment;
6. Has directly or indirectly obtained information regarding any ~~examination~~ test to which the Candidate is not entitled;
7. Has failed to submit the completed application correctly or within the prescribed time limits;
8. Has taken part in the compilation, administration or any part of the ~~examination~~ selection process in which he/she is competing;
9. Has previously been terminated ~~dismissed~~ for a disciplinary reason from a position in County employment;
10. Has been convicted of a crime or has a record of convictions, the nature of which would affect the Applicant's suitability for employment;
11. Has failed to appear for a scheduled ~~examination~~ test or interview;
12. Has failed any phase of the ~~examination~~ selection process;
13. Has a record of unsatisfactory performance on previous jobs;
14. Has been determined by the Director to be unsuitable for employment for any other job-related reason.

15.5 Nature of Testing ~~Examination~~

A. Applicants may be ~~examined~~ tested to determine if they possess the minimum qualifications and skills as required in the job announcement. In no case shall selection of an applicant as a candidate or admittance to the ~~examination~~

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selection process constitute assurance of a passing rating on any aspect of the ~~examination~~ testing process.

B. Content and Nature of Testing ~~Examinations~~
   1. ~~Examinations~~ Tests used in the process shall be job-related.
   2. Tests shall be designed to evaluate the minimum qualifications for the job ~~a classification~~ and/or to determine relative suitability among those qualified and be in compliance with laws and regulations governing sound selection procedure.
   3. All tests ~~examinations~~, evaluations, rating, and other selection devices or items shall be rated impartially.
   4. The method of ~~examination~~ testing may be any one, or a combination of the following:
      a. Written;
      b. Oral;
      c. Demonstration of performance;
      d. Evaluation of experience, educational background, and skills;
      e. Any other method of ~~examination~~ testing as deemed appropriate by the Director and consistent with Merit System ~~Rules and~~ Policies.

C. ~~Conduct of~~ Testing ~~Examinations~~
   1. ~~Examinations~~ Tests shall be conducted in such locations in the County as necessary and required by law.
   2. The Director may designate proctors or examiners as deemed appropriate.
   3. The Director may limit admittance to a ~~examination~~ test or any portion thereof to those persons who possess the minimum qualifications and skills as required in the job announcement.
   4. When an oral board examination is used as part or all of the selection ~~examination~~ process, it is recommended that the panel be comprised of three (3) or more individuals. If the position available requires certification by a state regulatory agency, then the Director may require all members of the panel to have such certification.
   5. This ~~rule~~ policy shall also apply to promotional testing ~~examinations~~.

15.6 Evaluation Results and Rating of Tests ~~Examinations~~

A. Scores may be based upon a single ~~examination~~ test or a composite of scored tests ~~examinations~~.

B. The Director, with approval of the Appointing Authority, shall determine the minimum rating which must be attained by a Candidate in order to compete in the next phase of the ~~examination~~ selection process.

15.7 Background Checks: The Director may check references and investigate the Applicant's education and work history. Gila County reserves the right to deny employment to an applicant as the result of the background check.

15.8 Retaking ~~Examinations~~ Tests and Test Security

A. The Director shall establish procedures and standards relating to the retaking of tests ~~examinations~~.

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B. Upon request of the applicant, candidate, eligible or the requesting department, rating of training and experience may be re-evaluated and adjusted by the Director.
C. A written test shall not be retaken by a candidate for a period of at least ninety (90) calendar days from the date of the last test ~~examination~~. In each case of repeated test, the most recent score achieved shall be used to determine the eligibility of the candidate. For the Sheriff's Office it is 180 calendar days.
D. The Director shall establish procedures and take such precautions as necessary to safeguard the security and confidentiality of ~~examination~~ testing materials.

15.9 Inspection of Written Tests

A. ~~Examination~~ Test answer sheets shall be open to inspection only as provided by these policies ~~rules~~.
B. Request by a candidate to inspect his/her ~~examination~~ test results must be made in writing to the Director within thirty (30) calendar days after the date of the test ~~examination~~.
C. A candidate may compare his/her answer sheets for any written test with the scoring key at such location and with such security procedures as may be designated by the Director for the purpose of determining whether the answers have been accurately scored. Such inspection shall be under supervision of a staff member or authorized representative.
D. Any candidate who reviews his/her answer sheets with a score key must wait ninety (90) days from the date of review before retaking a written test where the same test materials are to be used. For the Sheriff's Office it is 180 days.

15.10 Special Tests ~~Examinations~~: Except in the case of ~~manifest~~ apparent error affecting the applicant, or in the case of placement of the disabled, ~~handicapped~~, no candidate shall be given a special ~~examination~~ test in any manner not afforded all candidates for the same job ~~classification~~.

15.11 ~~Manifest~~ Apparent Error: Should ~~manifest~~ apparent error be established, the Director may adjust the status of an applicant, candidate, ~~or~~ eligible or new hire ~~in order to correct an manifest error. Such adjustment shall not, however, invalidate any certification or appointment action already taken.~~

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~~RULE~~ Policy16 – Appointments

This policy covers all employees in the classified and service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

16.1 Purpose: To provide a method of appointing staff.

16.2 Appointments- Vacant positions in the Classified Service ~~shall~~ may be filled by current employees through promotion, reassignment, or transfer; or former employees by RIF return or reinstatement and; other qualified applicants.

16.3 Appointments Requiring Special Certification: Where a County employee seeks to advance to a position requiring certification by a state regulatory agency, such employee shall undergo the selection process ~~required examination~~ for such a position and shall obtain the required certification from the regulatory agency in order to be eligible for appointment to the position.

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~~RULE~~ Policy 17 – Promotion, Demotion and Transfer

This policy covers all employees in the classified and service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

17.1 Purpose: To provide guidelines for promoting, demoting and the transfer of employees.

17.2 Promotion

A. Vacancies in County employment may be filled by promotion of a qualified regular status employee in accordance with these policies ~~rules~~.
B. An employee who fails to satisfy promotional probation may be separated without prejudice if the former position is either not vacant or no longer exists.

17.3 Demotion

A. Involuntary
   1. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
   2. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made no~~t~~ later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
   3. Prior to the effective date of the demotion, a written notice containing specific reasons for the demotion and the employee's right of appeal shall be provided to the employee and the Director.
B. Voluntary
   1. If an employee makes a written request for voluntary demotion within their department, the Appointing Authority may make the demotion non-competitively upon ~~certification~~ verification by the Director that the employee meets the minimum qualifications. A copy of the employee's written request shall be provided to the Director. An employee demoted under this section shall have no right of ~~A~~ appeal.

17.4 Transfer

A. ~~A transfer of~~ An employee may be transferred ~~made between comparable positions~~ within a department or from a position in another County department to a position for which the transferee is qualified.
B. In the event that, by action of the Board or otherwise, part or all of the functions of one department are transferred to another department, the

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affected employees of the transferring department shall be accepted as transfers by the receiving department at the same pay grade unless the receiving department has no need for the particular position or positions. In the latter event, the regulations concerning layoff will apply.

~~17.5 Reassignment. An Appointing Authority has the authority to make reassignments within their Department. Reassignments shall be reported to the Director.~~

~~17.6 Details~~

~~A. When the services of an employee are needed temporarily for more than thirty (30) working days in a position of higher grade within County employment other than the position to which regularly assigned, upon prior approval of the Director, the employee may be detailed to that position for a period up to one (1) year. A competitive process shall be used to fill any detail which exceeds thirty (30) working days, unless the Appointing Authority requests a waiver of the competitive process which shall be approved by the Director.~~

~~B. When the services of an employee are needed temporarily for sixteen (16) to thirty (30) working days in a budgeted position of the same or a higher classification, the Appointing Authority may detail an employee non-competitively to the special duty assignment.~~

~~C. An employee is eligible for detail only if that employee meets the minimum qualifications of the classifications as determined by the Director.~~

~~D. A detail to a position exempt from the Merit System shall not result in abridgment of any rights the employee may have prior to detail.~~

~~E. Exceptions to the conditions of a special detail may be authorized by the Director.~~

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~~RULE~~ Policy18 – ~~Terminations~~ Separation of Employment

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

18.1 Purpose: To provide a guideline for employees and Appointing Authorities for resignation, termination, layoff and separation of employment.

18.2 Resignation

A. An employee may terminate employment with the County by submitting a written resignation to the Appointing Authority at least ten working days prior to the effective date of the resignation. Unless the Appointing Authority determines that the employee had good cause for not giving such notice, an employee who fails to give such notice shall not be eligible for reinstatement within the County.

B. If an employee resigns orally, the Appointing Authority shall confirm the resignation in writing.

C. An Appointing Authority may refuse to accept a resignation and dismiss an employee pursuant to Policy ~~Rule~~ 21.~~2.C~~.

D. A resignation shall be final unless both the Appointing Authority and the employee agree that the resignation may be withdrawn.

E. An employee who is absent for three or more consecutive days without authorized leave is automatically considered to have abandoned their job and is subject to termination. If extenuating circumstances are found to have existed and the employee is allowed to return to work, such absence may be covered by leave with or without pay by the Appointing Authority with concurrence of the Human Resources Director.

18.3 ~~Dismissal~~ Termination: ~~A dismissal is~~ The involuntary termination of an employee from County employment. The provisions involved in a termination ~~dismissal~~ for a disciplinary reason are covered in Policy ~~Rule~~ 21, Disciplinary Action.

18.4 ~~Dismissal~~ Termination during Original Probation: An employee may be terminated, without the right of Appeal, at any time during the original probationary period. However, the terminated employee may file an Appeal in accordance with Policy ~~Rule~~ 22, if discrimination in violation of Policy ~~Rule~~ 4 is alleged.

18.5 Layoff

A. An employee may be laid off from his/her department due to lack of work, lack of funds, abolition of position or other reasons as determined by the Board of Supervisors.

B. The decision as to which classification shall be affected by layoff and when the layoff shall be effective shall be made by the Appointing Authority. The Appointing Authority shall prepare a layoff plan which shall be approved by the Director before it is effective.

C. When any classification is subjected to layoff, non-regular status employees in that classification in the same department shall be terminated before any regular status employee is laid off.

D. When regular status employees in a classification become subject to layoff, the Appointing Authority shall determine which employee(s) shall be laid off based on the performance, conduct, qualifications and seniority of all regular status employees in that classification in the same department ~~unless exempted by the Board of Supervisors~~. The weighing of the criteria shall be stated on the approved plan submitted by the Appointing Authority.

E. When an employee fails promotional probation, and no vacancy in the former classification exists in the present department, the employee failing probation shall be laid off as provided in Policy ~~Rule~~ 19.

F. The Director shall notify employees to be laid off in writing as soon as possible. but no later than ten (10) working days prior to the effective date of layoff~~.~~ The written notice shall be hand-delivered or sent by certified mail. A copy shall be sent to the Appointing Authority. The notice shall inform the employee of the effective date of layoff and of the pre-layoff re-appointment and reinstatement procedures.

G. In each instance, the layoff plan shall state, based on circumstances within the department, whether or not grant funded employees shall be grouped with other employees for layoff purposes.

H. Pre-Layoff Re-appointment

1. Following receipt of notice of layoff, and before effective date of layoff, an employee subject to layoff may be considered by any Appointing Authority in the County having a vacant position for which the employee meets the minimum qualifications.
2. If the employee wishes to seek a pre-layoff re-appointment, the employee shall submit a request in writing to the Human Resources Director ~~specifying the classification~~ of the ~~vacancy~~ position, and the department having the vacancy of interest, along with a completed application form.
3. If the Director determines that the employee meets the minimum qualifications ~~for the classification~~ of the ~~vacancy~~ vacant position, then the Director shall send the name of the employee to the Appointing Authority. The Appointing Authority shall promptly interview the employee. An offer of reappointment is at the discretion of the Appointing Authority.
4. Upon a pre-layoff reappointment, the new salary of the employee shall be determined by the Human Resources Director and Appointing Authority. ~~set in the same manner as for entrance salary.~~
5. A pre-layoff reappointment will be effective on or before the date on which the layoff would have been effective, so that a break in service does not occur.
6. Upon pre-layoff reappointment, the employee shall serve ~~the required~~ a transfer probationary period.
7. The employee shall retain all accrued sick leave, annual leave and compensatory time.
8. If the employee subject to layoff is offered and accepts a pre-layoff reappointment, then the employee forfeits the right to be placed on the Reinstatement Register.

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9. If the employee is not offered or does not accept an offer of pre-layoff reappointment, on or before the effective date of the layoff, then the employee shall be laid off.

I. Reinstatement Register

1. An employee who is laid off from a County-funded position shall be placed on the Reinstatement Register for the ~~classification of the~~ position which he/she last held. The laid off employee shall be placed on the Reinstatement Register on the first working day following the effective date of the layoff.
2. Names shall be placed on the Register in order of seniority.
3. If a request is received for a position for which there is a Reinstatement Register and such Register contains the names of employees laid off from the requesting department, the Director shall prepare a seniority listing of employees who were laid off from that ~~classification within the department~~ position. The Appointing Authority must appoint from the list.
4. A laid-off employee who has been placed on a Reinstatement Register shall be eligible for Reinstatement for up to one (1) year from the effective date of the layoff.
5. It shall be the laid-off employee's responsibility to verify with ~~the Personnel Department~~ Human Resources his/her current address and phone number, and to notify ~~the Personnel Department~~ Human Resources of any change of address or phone number.

J. Removal of Names from a Register

1. The Director may remove the name of an Eligible from a Register at any time for any of the following reasons:
   a. When the Eligible cannot be located, despite reasonable efforts by the Appointing Authority or the Director;
   b. Receipt by the Director or the Appointing Authority of any written or verbal communication from the Eligible that consideration for a position in the classification is no longer desired, or that the Eligible is no longer available for the appointment;
   c. Refusal or rejection by the Eligible of an offer of appointment;
   d. Failure to respond to a Reinstatement notice;
   e. ~~An initial appointment of an Eligible.~~ The Eligible is reemployed with Gila County.

18.6 Separation

A. A temporary employee may be separated at any time.
B. An employee with regular status who is retired as provided under the State or Public Safety Personnel Retirement System is deemed to be separated without prejudice and does not have the right to appeal to the Commission.
C. An employee whose position is not County-funded may be separated for lack of funding without the right of appeal.
D. An employee may be separated for inability to maintain ~~to meet~~ the minimum qualifications for the position currently held with the right of appeal.
E. An employee who is absent for three or more consecutive days without authorized leave is automatically considered to have abandoned their job and is subject to termination

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18.7 Rehire: An employee who has left County employment in good standing shall not be eligible for rehire for a period of ninety (90) calendar days after they have left County employment, except with the approval of the Board of Supervisors.

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~~RULE~~ Policy19 – Probationary Period

This policy covers all employees in the classified and service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

19.1 Purpose: To ensure that new employees, promoted employees, transferred employees and employees who are demoted meet the required standards of performance.

~~19.2 Purpose. The probationary period shall be utilized for the most effective adjustment of a new employee and for the release of any employee whose performance does not, in the judgment of the Appointing Authority, meet the required standard of performance. It also is valuable in promotions to allow the Appointing Authority an opportunity to evaluate the employee in the new assignment.~~

19.3 Types of Probation: The only types of probation allowed in County service are original probation, promotional probation, and transfer~~al~~ probation. ~~At the discretion of the Appointing Authority., an employee may be granted a one step increase upon the successful completion of the probationary period.~~

A. Original Probation: An original probationary period is six (6) months. Upon request of an Appointing Authority, the Director may establish a longer period in monthly increments ~~or shorter period~~ for any class of positions in County service. ~~In no case will the probationary period for a class be less than ninety (90) days or more than one (1) year.~~ The probationary period for employees of the Sheriff's ~~Department~~ Office shall be one (1) year.
   1. Completion of Probation:
      a. The Appointing Authority shall evaluate a probationary employee and submit ~~a report~~ a performance appraisal to the Director prior to the expiration of the employee's probationary period unless the Appointing Authority supplies to the Director, in writing, justification for an extension of the probationary period. If justification is not submitted prior to the expiration of the employee's probationary period, the employee shall be considered to have attained regular status.
      b. If the Appointing Authority determines at any time during an original probationary period that the services of the probationary employee are no longer required or are unsatisfactory, the employee may be terminated ~~dismissed~~ without the right of appeal. The Appointing Authority shall furnish the employee a ~~copy of the~~ letter of termination ~~dismissal~~.

B. Promotional Probation
   1. An employee who is promoted shall serve a promotional probationary period under the same policies ~~rules~~ as an original probation, except for Policy ~~Rule~~ 19.2.A.1.b above.
   2. An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the current employing agency in the class in which regular status was held immediately prior to the promotion, without

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the right of appeal. If such vacancy does not exist, the employee shall be laid off in accordance with Policy ~~Rule~~ 18.~~4~~.5.E. A reversion shall not preclude the imposition of any disciplinary action.

C. Transfer~~al~~ Probation

1. An employee who is transferred shall serve a transfer~~al~~ probationary period under the same policies ~~rules~~ as an original probation, except that ~~these~~ the employee~~s~~ retains the right of appeal should they be ~~separated~~ terminated due to failure to complete ~~of~~ the probationary period.
2. ~~An employee who fails to successfully complete transferal probation shall transfer to a vacancy in the current employing agency in the class in which regular status was held immediately prior to the transfer, without the right of appeal. If such a vacancy does not exist, the employee may be separated without prejudice.~~

D. Demotion Probation

1. An employee who is demoted shall serve a demotion probationary period under the same policies as an original probation, except that the employee retains the right of appeal should they be terminated due to failure to complete the demotion probationary period

E. Special Performance Appraisal

1. An employee who has received a special appraisal shall serve an observant probationary period under the same policies as an original probation, except that the employee retains the right of appeal should they be terminated due to failure to complete the observant probationary period

F. Reinstatement and Reemployment

1. An Appointing Authority may require a former employee who is reinstated or reemployed to complete a period of original probation.
2. An Appointing Authority shall require a former employee who is reinstated or reemployed in a job class other than a job class the employee has previously held to complete original probation.
3. If an employee is reemployed within six (6) months of departure in good standing, sick leave accrual balance will be restored and annual leave will accrue at the same rate at the time of departure.

~~G. Demotion. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.~~

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~~RULE~~ Policy 20 – Performance Appraisal Program ~~and Merit Pay System~~

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

20.1 Purpose: Employee appraisals are to be performed once a year for regular status employees to establish goals and objectives, determine training needs and to appraise past performance based upon a standard performance review process and ~~to~~ may provide merit increases as applicable.

20.2 ~~Statement of Policy: The greatest assets of Gila County Government are its employees.~~

20.3 Performance Appraisal Program

A. The Performance Appraisal Program applies to all regular status employees who have completed the required probationary period.
B. All regular status employees who have successfully completed the required probationary period shall be evaluated under the terms of the Performance Appraisal Program except for Elected Officials and appointed Chief Deputies.

20.4 Administration of System: ~~The Personnel Department~~ Human Resources shall be charged with the administration of the system to include distribution and collection of appraisal forms, salary administration and the reporting process.

20.5 Appraisal Period: At least one official performance appraisal ~~shall~~ should be completed for each regular status County employee each year by ~~**December 31**~~ June 30. Blank performance appraisal forms are available on the Gila County Intranet. ~~will be distributed by the Personnel Department to the various Department Heads during November of each year.~~

A. Performance appraisals ~~are~~ should ~~to~~ be conducted prior to the end of the probationary period and each year thereafter by ~~December 31~~ June 30.
B. Special appraisals ~~may~~ should be conducted at any time when an employee's performance deteriorates and at other times deemed appropriate by the Appointing Authority ~~Department Head~~. Such special appraisals ~~must~~ should be discussed and approved by the ~~Personnel~~ Human Resources Director. ~~or Personnel staff member prior to the review~~. Should the performance problem persist, the Appointing Authority should follow the normal progressive action process.

20.6 Appraisal Forms: Two forms will be ~~used~~ utilized in the performance appraisal system.

A. The "~~Gila County Employee Performance Appraisal~~" Core Employee Performance Appraisal form ~~will~~ may be used for all regular status County employees regardless of job function or classification ~~except for Elected~~

~~Officials and appointed Chief Deputies~~. This is a general form which appraises performance based upon a set of standard skills and traits applicable to all.

B. The "~~Supervisory Skill/Traits~~" Supervisory/Administrative Performance Appraisal form will be used ~~in addition to "A" above for all supervisors, managers and directors~~. This form appraises leadership, supervisory and administrative performance against a set of standard supervisory skills and traits.

C. If a different Performance Evaluation form is being used it should be signed off by the Human Resources Director.

20.7 Appraisal Procedures

A. The immediate supervisor ~~will~~ is responsible for complete~~e~~ing the appraisal form(s) and meeting with the employee to conduct the performance review. In the course of the review, the employee's job performance will be evaluated during the preceding review period. Goals and objectives will be established as applicable for the coming review period and additional training needs will be noted.

B. ~~Every effort should be made to resolve differences of opinion before the appraisal session is completed~~.

C. The employee shall verify that the appraisal has been discussed with him/her by signing and dating the form. The immediate supervisor ~~must~~ should inform the employee that his/her signature does not signify agreement with the appraisal, but only that it was discussed with and seen by him/her. The employee may request that the appraisal be reviewed at the next higher supervisory level by so indicating on the form. If the employee refuses to sign the form, the immediate supervisor shall so note it on the form.

D. The completed appraisal form will then be submitted to the ~~Department Head~~ Appointing Authority (if not the immediate supervisor) for review. The ~~signed~~ completed appraisal form will be returned to ~~the Personnel Department~~ Human Resources for processing.

20.8 ~~Adverse Actions: Employee performance may also result in adverse personnel actions in accordance with Rule 21.~~

20.9 ~~Appeals~~ Review: Performance appraisals may be reviewed at a higher supervisory level upon the request of the employee. ~~are appealable in accordance with Rule 22 – Grievance Policy of the Merit System Rules and Policies only under the following:~~

~~A. If an employee's overall performance evaluation is evaluated at below satisfactory (i.e., Unsatisfactory, Some Deficiencies Evident), or;~~

~~B. If they feel discriminated against based upon race, color, religion, sex, age, national origin, disability, or Vietnam or disabled veteran status.~~

A. An employee who requests a review at the next higher supervisory level must state on the appraisal form which area(s) they wish to be reviewed.

B. The appraisal form is then submitted to the next higher supervisory level by the immediate supervisor.

C. The next supervisory level is then responsible for completing the areas of concern from the appraisal form that the employee requested to be reviewed and meeting with the employee.
D. Both completed appraisal forms will then be returned to Human Resources for processing.

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~~RULE~~ Policy 21 – Disciplinary Actions ~~and Administrative Suspension~~

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

21.1 Purpose: To clarify guidelines for repercussions of employee misconduct.

21.2 General

A. Any of the following constitute cause for disciplinary actions:
1. Fraud in securing appointment;
2. Incompetence;
3. Neglect of duty;
4. Insubordination;
5. Sleeping while on duty;
6. Disorderly conduct;
7. Malicious gossip or false accusations which tend to destroy friendly relations between the County and the public or between employees or in any way hinder County operations;
8. Dishonesty;
9. Drunkenness or consumption of alcohol on duty, or when such consumption affects job performance;
10. On-duty use of alcohol, marijuana, narcotics or other controlled substances;
11. Absence without leave;
12. Commission or conviction of a felony or misdemeanor involving moral turpitude which would affect the employee's suitability for continued employment;
13. Discourteous treatment of the public and/or co-workers;
14. Willful disobedience;
15. Engaging in prohibited political activity;
16. Misuse of government property, computers, cell phones, computer files, software, mail systems, computing systems or other County owned equipment;
17. ~~Possessing, dispensing or b~~ Being under the influence of a narcotic, barbiturate, marijuana, tranquilizing or hallucinogenic ~~drug~~ controlled substance or other controlled substances on duty, except in accordance with medical authorization;
18. Possession, distribution, sale, transfer or use of alcohol or controlled substances in the workplace, while on duty or while operating County owned vehicles or equipment.
19. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
20. Discrimination or harassment based upon race, color, religion, sex, age, national origin, disability, Vietnam era or disabled veteran status;

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21. Revocation, suspension or loss of Arizona driving privileges where having an Arizona Driver's License is a requirement for the position;
22. Revocation, suspension or loss of certification issued by a governmental entity where such certification is a requirement for the position;
23. Engaging in sexual harassment of an employee;
24. Inefficiency;
25. Unsatisfactory attendance;
26. Mishandling of County funds;
27. Falsification or unauthorized use of County records;
28. ~~Unauthorized~~ Possession of firearms unless required by your position, weapons or explosives on County property;
29. Unsafe actions;
30. Theft or inappropriate removal or possession of property;
31. Smoking in non smoking areas;
32. Falsification of a doctor's note;
33. Any other conduct or performance which constitutes cause for disciplinary action.

B. Sworn law enforcement officers employed by the Sheriff's ~~Department~~ Office, County Attorney's Office, Constables Office shall be subject to being placed on administrative leave with or without pay consistent with these policies ~~rules~~ upon being formally charged with the commission of a felony offense.

1. A law enforcement officer shall not be subject to disciplinary action except for just cause in accordance with A.R.S. §38-1104. Law enforcement officers who are terminated as the result of a chief of the law enforcement agency reverses the decision or recommendation of a civil service board or merit commission, a new hearing may be requested in superior court if the law enforcement officer believes the termination was without just cause. Law enforcement officer means an individual, other than a probationary employee, who is certified by the Arizona Peace Officer Standards and Training board or who is a detention officer or correction officer and who is employed by this state or a political subdivision of this state.
2. If the superior court finds that just cause for the termination did not exist, the court shall order the officer reinstated to the officer's previous position with the law enforcement agency and may award to the officer monetary damages that shall not exceed the officer's combined total of wages and benefits lost as a result of the termination.
3. A good faith effort to complete any investigation of employee misconduct involving a law enforcement officer within one hundred twenty (120) days after the employer receives notice of the allegation per A.R.S. §38-1105.

21.3 Progressive Discipline is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues.

A. Gila County reserves the right to combine or skip steps within the Progressive Discipline process depending upon facts of each situation and the nature of the offense.

B. Each incident that merits discipline is not considered an isolated incident, but is considered in totality with other incidents, i.e. each incident does not get a separate Memorandum of Concern.

21.4 ~~Types~~ Documentation of Disciplinary Actions

A. Memorandum of Concern: This may be the first step in progressive discipline. This memo is used as a follow up to a verbal warning and states that further disciplinary action will be taken unless the employee's behavior or performance improves. A signature is required, however it does not mean the employee agrees, simply that the employee has received it. A copy of the memo is to be forwarded to Human Resources for placement in the employee's personnel file.

B. Written Reprimand: A written reprimand may be the second step in progressive discipline and is a formal notice to an employee regarding the continued unacceptable behavior ~~that further disciplinary action will be taken unless their behavior or performance improves~~. A copy of the written reprimand is to be forwarded to ~~the Personnel Department~~ Human Resources for placement in~~to~~ the employee's personnel file.

21.5 Types of Disciplinary Actions

A. Suspension

1. Before an employee with regular status can be suspended, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made no later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
2. The Appointing Authority may suspend any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for suspension in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
   a. The employee signs for receipt of the suspension letter personally served or served by mail; or
   b. Three working days have passed since the letter was mailed to the employee; or
   c. An attempt is made to personally serve the suspension letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
3. Except as otherwise provided by Statute or Rule, suspensions shall not exceed a total of thirty working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the first suspension.

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4. Classified employees exempt from the overtime provisions of the Fair Labor Standards Act who are suspended must be suspended for a period of not less than five (5) days unless the infraction is for a gross safety violation.

B. Demotion

1. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
2. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made no later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
3. The Appointing Authority may demote any employee with regular status only for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for demotion in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
   a. The employee signs for receipt of the demotion letter personally served or served by mail; or
   b. Three working days have passed since the letter was mailed to the employee; or
   c. An attempt is made to personally serve the demotion letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
4. Except as otherwise provided in these policies ~~rules~~, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

C. ~~Dismissal~~ Termination

1. Before an employee with regular status can be terminated ~~dismissed~~, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made no later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
2. The Appointing Authority may terminate ~~dismiss~~ any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for termination ~~dismissal~~ in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:

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a. The employee signs for receipt of the termination ~~dismissal~~ letter personally served or served by mail; or
b. Three working days have passed since the letter was mailed to the employee; or
c. An attempt is made to personally serve the termination ~~dismissal~~ letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.

3. If an employee is on an approved ~~period of~~ leave with pay, the action will be effective at the end of the approved ~~period of~~ leave with pay, and the termination ~~dismissal~~ letter shall be served on the employee in accordance with this subsection.
4. ~~Dismissal~~ Termination During Probation
   a. An employee on original probation may be terminated ~~dismissed~~ without the right of appeal.
   b. An employee on promotional probation ~~may not be dismissed without~~ who is terminated has the right of appeal.

D. Administrative Leave: Nothing in this policy ~~rule~~ shall preclude the Appointing Authority from immediately placing an employee on administrative leave pending implementation of procedures under this section, but no pay shall be withheld for such period.

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~~RULE~~ Policy 22 – Grievance and Appeal Procedure

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

22.1 Purpose: To afford employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.

22.2 ~~General:~~ The grievance procedure is a means through which employees may obtain consideration of grievances or problems in matters over which the Appointing Authority has complete or partial jurisdiction and for which redress is not provided elsewhere in these policy ~~rules~~. ~~The purpose of the grievance procedure is to afford employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.~~

A. If an employee complaint of unlawful discrimination or harassment based upon religious affiliation, race, national origin, age, sex, handicapped or veteran's status is not resolved through the procedures outlined in Policy ~~Rule~~ 4, Discrimination in Employment, the employee may file a grievance with the Commission in accordance with Policy ~~Rule~~ 22.2.

B. If the grievance alleges misinterpretation or misapplication of these policies ~~rules~~, departmental work rules, unsafe or unhealthy working conditions, a grievance may be filed in accordance with Policy ~~Rule~~ 22.3.

C. If an employee complaint alleges improper suspension, demotion, reduction in pay or ~~dismissal~~ termination on any grounds including alleged unlawful discrimination, the Appeal Process shall be used.

22.3 Grievance Procedure for Claims of Discrimination or Harassment

A. Within ten (10) calendar days after the employee has been informed of the remedial action taken in response to an allegation of unlawful harassment or discrimination filed under Policy ~~Rule~~ 4, the employee may grieve the action by requesting a review of the determination by the Gila County Personnel Commission. The employee must request the review and relief requested on the Gila County Grievance form and submit it to the Director. The Commission shall designate one of its members to investigate and hear the complaint and provide the Commission with a report. The Commission shall review the report on the complaint and issue a final determination in writing upholding or reversing the report. The Director shall furnish a notice of the final determination to the employee and the Appointing Authority within ten (10) calendar days of the determination by the Commission.

22.4 Grievance Procedure for Other Issues

A. The grievance procedure may not be used:
   1. By employees on original probation, except in cases alleging illegal discrimination or compelled participation in any election campaign for public office or partisan political activity.
   2. For matters involving compensation, classification schedules, classes of positions, personnel records, performance appraisals, reprimands or employee counseling.
   3. For matters involving termination ~~dismissal~~, demotion, reduction in pay or suspension.

B. All time frames specified on the form shall be met. If the immediate supervisor or department head fail to meet the time frame requirements, the employee has the right to take the grievance to the next step. If the employee fails to meet the time requirements, the grievance shall be deemed abandoned.

C. The four steps of the Grievance Procedure are as follows:
   1. Using the "Employee Grievance Form," the employee shall state the grievance and the remedy requested. A copy shall be given to the immediate supervisor ~~and a copy~~ sent to ~~the Director~~ Human Resources within five (5) working days of the incident giving rise to the grievance. The immediate supervisor shall respond in the designated portion of the form and send a copy to the employee and the Human Resources Director within five (5) working days of receipt.
   2. If the employee disagrees with the supervisor's response, the Grievance Form shall be sent to the Appointing Authority within five (5) working days of the supervisor's response to Step 1. The Appointing Authority shall respond by completing the designated section of the form and sending a copy to the employee and the Director within five (5) working days of receipt of the employee's Step 2 grievance. If the employee disagrees with the Appointing Authority's response and desires to continue the grievance process, the specific reason shall be indicated on the form. The employee may then proceed to Step 3.
   3. Within five (5) working days of receipt of the Appointing Authority's response, the employee shall submit the Grievance Form to the Director. The Director shall complete his/her section of the form by making a recommendation and return it to the employee, with a copy to the Appointing Authority, within five (5) working days of receipt of the employee's Step 3 grievance. If the employee or Appointing Authority disagrees with the recommendation of the Director at Step 3, and desires to continue the grievance process, the employee or Appointing Authority shall indicate the disagreement on the Grievance Form. An appeal to Step 4 must be filed within ten (10) working days of receipt of notice of action taken by the Director.
   4. The Grievance Form shall be resubmitted to the Director who will notify the Personnel Commission within five (5) working days. The Appointing Authority or designee shall be considered the respondent and shall be served with a copy of the form.

22.5 Appeals

A. Matters That May be Appealed

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1. A regular status employee, except as otherwise provided in these policies ~~rules~~, may appeal a~~n~~ disciplinary action resulting in ~~dismissal~~ termination, involuntary demotion, reduction in pay, or suspension without pay. ~~on any grounds including alleged unlawful discrimination~~. Within ten (10) calendar days of receipt of written notice of the action, Respondent may serve an amended notice of disciplinary suspension, demotion, or ~~dismissal~~ termination prior to the beginning of the Appeal hearing.
2. Matters not specifically stated in this policy ~~rule~~ cannot be appealed.

22.6 Appeal Procedure

A. Filing the Appeal: Appeals to the Commission must be filed with the Director in writing within ten (10) calendar days of the receipt of written notice of ~~demotion, disciplinary suspension, or termination~~ termination, involuntary demotion, reduction in pay or suspension without pay. In the event the prescribed deadline falls on a non-working day, the deadline shall be 5:00 p.m. of the next regularly scheduled working day of ~~the Personnel Department~~ Human Resources. Failure to file a timely appeal is a jurisdictional defect and the Commission will not hear such appeal. The appeal shall state the facts upon which it is based and the remedy requested. Within ten (10) days of the hearing, or at the time the names of witnesses are submitted for subpoena, the appellant shall state the reason each witness is being called and the testimony being offered. The Appellant's Appointing Authority shall be considered the Respondent. The Director shall forward a copy of the appeal to the Respondent.

B. Initial Determination of Jurisdiction: The Director, in conjunction with appointed counsel for the Personnel Commission, shall make an initial determination of whether or not the Commission has jurisdiction over the appeal under these policies ~~rules~~.
   1. If it is determined by the Director that the Commission does not have jurisdiction, the Director shall so notify the employee in writing.
   2. If it is determined that the Commission does have jurisdiction, the hearing shall be scheduled in accordance with these policies ~~rules~~.

   Any party disputing this initial determination of jurisdiction must file written notification with the Director within ten (10) calendar days of receipt of the notice from the Director. The dispute shall be heard in accordance with Policy ~~Rule~~ 22.5(H)(2).

C. Answer to Appeal: The Respondent need not file an answer to the appeal. If an answer is filed prior to the hearing, the Director shall send a copy to the Appellant. Within ten (10) days of the hearing, or at the time the names of witnesses are submitted for subpoena, the Respondent shall state the reason each witness is being called and the testimony being offered.

D. Hearing Officers: The Commission or its chair may assign appeals to a Commission member who shall be the Hearing Officer. When an appeal is so assigned, the Hearing Officer shall be the authorized representative of the Commission and is fully empowered to grant or refuse extensions of time, to set the proceedings for hearings, to conduct the hearing, and to take action in connection with the proceedings which the Commission itself is authorized to take by law or by these policies ~~rules~~ other than making the final findings and decisions. No assignment of an appeal to a Hearing Officer shall preclude the

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Commission or its chair from withdrawing it and conducting the hearing itself or from reassigning an appeal to another Hearing Officer. The Hearing Officer shall prepare and submit a Hearing Officer's report. Said report shall be submitted to the Director for transmittal to the Commission not less than fifteen (15) working days prior to the Commission meeting during which action on the appeal is to be taken. Copies of the Hearing Officer's report shall, upon receipt by the Director, be mailed to all members of the Commission and to the employee and the Appointing Authority, and their respective representatives. Written objections to the Hearing Officer's report may be submitted no less than five (5) working days prior to the Commission meeting. The Commission may, at its discretion, take further testimony or hear arguments at the Commission meeting.

E. Time for Hearing: Every hearing on an appeal shall commence within twenty (20) calendar days from receipt by the Director, unless the time is extended by mutual agreement, or for other good cause as determined by the Commission.

F. Notice of Hearing: Written notice of the time, date, place of hearing, and the name of the Hearing Officer, may be mailed, faxed, or delivered personally by the Clerk of the Commission to the Appellant and the Respondent. If the notice is mailed, it shall be mailed at least ten (10) calendar days before the date of such hearing to last known address. ~~If the notice is delivered personally~~ Once received, written acknowledgment of the time of receipt by the employee shall be obtained or verified.

G. Continuance of Hearing
   1. Either Respondent or Appellant may request that a hearing set pursuant to these policies ~~rules~~ be continued. Such a request must be submitted in writing to the Clerk of the Commission five (5) calendar days prior to the date set for the hearing. The Clerk of the Commission must send copies to all concerned parties, together with an Order for Continuance to be signed by a member of the Commission so designated by the Commission to sign such orders.
   2. Failure to request a continuance in conformance with these policies ~~rules~~ and subsequent failure by either party to appear at the time and place set for hearing shall be grounds for dismissal of the case upon motion of either party or on motion to the Commission or to the Hearing Officer.

H. Nature of Hearing
   1. Each hearing shall be held pursuant to A.R.S. §38-431 and shall be closed unless the Appellant requests an open hearing as provided by A.R.S. §11-356. Any party may represent him/herself or be represented by legal counsel. The hearing shall be informal and technical rules of evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent or unduly repetitious evidence or evidence protected by the rules of privilege recognized by law, may be excluded. All testimony at the hearings shall be recorded manually or by mechanical or electronic device. The Commission shall pay all charges incurred in connection with the presence of a court reporter or the utilization of mechanical or electronic devices, excluding, however, the costs of the preparation of all or any part of any transcript. The party or parties ordering the transcription shall pay the cost of a copy or copies of any such transcription.

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2. On any appeal hearing, in the event that there is a dispute as to the jurisdiction of the Commission to hear said case, the Hearing Officer or the Commission shall first take evidence with respect to said jurisdictional question. If the Hearing Officer or the Commission concludes that the Commission has jurisdiction to hear the appeal, then they shall proceed to take evidence on all remaining issues. In the event that the Hearing Officer or the Commission concludes that the Commission is without jurisdiction, then they shall terminate said hearing and take no further evidence.

I. Power of Subpoena: The Hearing Officer or Commission may request the chairman of the Board of Supervisors to issue subpoenas to compel attendance of any person and the production of any books, papers or any other evidence relating to any investigation or hearing authorized by these policies ~~rules~~ in accordance with the power of the Board pursuant to A.R.S. §11-218.

J. Exclusion of Witnesses: Upon the motion of any Appellant or Respondent, the Hearing Officer or Commission may exclude from the hearing room any witnesses not at the time under examination but a party to the proceedings. The Appellant, Respondent, their attorneys or other representatives, shall not be excluded.

K. Witness Fees: Witnesses, other than employees, who are subpoenaed to attend a hearing or investigation, are entitled to the same fee as is allowed witnesses in civil cases of the State of Arizona. If any Hearing Officer on his/her own motion subpoenas a witness, fees and mileage may be paid from funds of the Commission upon presentation of a duly executed claim. If a witness is subpoenaed upon request of the Appellant or Respondent, the requesting party shall pay the fees and mileage of the witness. Reimbursements to County employees subpoenaed as witnesses shall be limited to payment of mileage, if appropriate, by the party requesting the witness.

L. Depositions: If a witness does not reside within Gila County or within one hundred (100) miles of the place where the hearing or investigation is to be held, is out of state, or is too infirm to attend the hearing or investigation, any party, at its own expense, may cause a deposition to be taken. If the presence of a witness cannot be procured at the time of the hearing or investigation, the deposition may be used in evidence by either party or the Commission.

M. Proposed Findings of Fact: Both Appellant and Respondent shall have the right to file with the Commission or its Hearing Officer, at any time prior to the hearing, proposed findings of fact. The Commission or its Hearing Officer shall include a ruling upon findings of fact proposed by any party in its findings of fact.

N. Findings of Fact; Conclusions of Law; and Order: The Commission shall make written findings of fact, conclusions of law and an order within twenty (20) working days from the conclusion of the hearing. Copies shall be sent to the Appellant and Respondent at their addresses listed in the Commission records or to their legal counsel, if any. In the event the Commission orders the Appellant to be reinstated, it may also award back pay for such periods and in such amounts as the Commission deems appropriate under the circumstances.

O. Withdrawal of an Appeal: The Appellant may submit a written request to withdraw the appeal at any time prior to the decision by the Commission. Such request shall be filed with the Director.

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P. Decision by Commission: If, after the hearing, a majority of the Commission determines that the appealed action was arbitrary or capricious, the action shall be reversed. Otherwise, the action shall be affirmed.

Q. Compliance of Appointing Authority: Within ten (10) working days of a notice of decision by the Commission revoking or modifying any order of disciplinary action, the Appointing Authority shall comply with the Commission's decision, and shall render a report to the Director.

R. Administrative Review: The findings and decisions of the Commission shall be final and shall be subject only to administrative review as provided in A.R.S. §12-901, *et seq.*

S. Law enforcement officers right to representation, right to evidence on appeal, and right to change of hearing officer or administrative law judge are in accordance with A.R.S. §38-1101. Law enforcement officer means an individual, other than a probationary employee, who is certified by the Arizona Peace Officer Standards and Training board or who is a detention officer or correction officer and who is employed by this state or a political subdivision of this state.

1. A law enforcement officer shall not be subject to disciplinary action except for just cause in accordance with A.R.S. §38-1104. Law enforcement officers who are terminated as the result by the chief of the law enforcement agency reversing the decision or recommendation of a civil service board or merit commission, a new hearing may be requested in superior court if the law enforcement officer believes the termination was without just cause. This does not apply to a law enforcement officer as an at will employee as a Sheriff or the Chief Deputy Sheriff in a law enforcement agency.
2. If the superior court finds that just cause for the termination did not exist, the court shall order the officer reinstated to the officer's previous position with the law enforcement agency and may award to the officer monetary damages that shall not exceed the officer's combined total of wages and benefits lost as a result of the termination.

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~~RULE~~ Policy 23 – Attendance, Holidays and Leave

~~This policy covers all employees in the classified service. Sections 23.7 and 23.12 cover employees in the unclassified service, although nothing in this policy waives the at will status of an unclassified employee.~~

This policy covers all employees in the classified and service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee. Sections 23.8 and 23.13 cover employees in the unclassified service, although nothing in this policy waives the at will status of an unclassified employee.

23.1 Purpose: Gila County shall have guidelines pertaining to attendance issues, holidays and leaves of absence.

23.2 Basic Work Week: ~~Except as otherwise provided, t~~ The regular basic work week of full-time County employees shall be forty (40) hours, normally consisting of eight (8) hours per day, Monday through Friday. Does not entitle otherwise FLSA exempt employees to get overtime for hours worked in excess of 40 hours per week. ~~Modifications to this provision, I~~ In order to provide essential County services, modifications to this provision, may be ~~made~~ subject to any Federal, State or Constitutional limitations relating to hours of work.

23.3 Holidays

A. Employees occupying regular status positions shall be allowed time off with pay ~~as provided for by County policy~~ for those holidays recognized by Gila County., The employee will not receive holiday pay if ~~the employee is not~~ on leave without pay on the employee's work day~~s~~ immediately preceding and following the day on which the holiday is observed.

B. Employees working a flexible schedule (e.g. four 10 hour days or a 9/80 schedule) will receive no more than eight (8) hours pay for a Legal Holiday. Employees can use annual leave time to make up the difference between the eight (8) hours of pay for the holiday and their remaining scheduled hours.

C. Regular status employees authorized to work a regular work schedule of 20 to 39.99 hours per week will only receive the number of holiday hours they would have been scheduled to work on that holiday.

D. Employees required to work holidays ~~in order to provide essential services~~ shall receive for each such holiday worked compensation or compensatory time off as allowed by Federal or State law or as provided in ~~the Gila County Merit System Rules and Policies~~.these policies. The holidays recognized by Gila County are as follows:

1. January 1	New Year's Day
2. Third Monday in January	MLK/Civil Rights Day
3. Third Monday in February	Lincoln/Washington Day
4. Last Monday in May	Memorial Day
5. July 4	Independence Day
6. First Monday in September	Labor Day

~~7. Second Monday in October~~	~~Columbus Day~~
~~8.~~7 November 11	Veteran's Day
~~9.~~8 Fourth Thursday in November	Thanksgiving Day
9. Fourth Friday in November	Day after Thanksgiving Day
10. December 25	Christmas Day

E. Unless otherwise necessary due to circumstances, County offices shall be closed on each of the ten holidays listed above. If ~~H~~ holidays (1), (5), (~~8~~)(7) or (10) fall on a Sunday, the holiday shall be observed on the following Monday. If holidays (1), (5), (~~8~~)(7), or (10) fall on a Saturday, the holiday shall be observed on the preceding Friday.

F. Regular status employees authorized to work nineteen (19) hours or less per week are not eligible to receive holiday pay.

23.4 Leave Time

~~A. General~~

A. The purpose of paid leave time is to allow employees to earn wages up to the amount normally earned by working the employee's regularly scheduled work week.

B. ~~Appropriate types of~~ Accrued leave will be ~~allowed to the extent that will~~ used to ensure payment for a forty (40) hour work week.

C. Leave time will not be used in any manner to generate hours in excess of the normal work week.

23.5 Coverage and Administration of Leave

A. Coverage and Exclusions: Employees ~~receiving original appointments~~ occupying regular status positions are eligible to accrue leave with pay from the date of hire ~~appointment~~. ~~Emergency and~~ Temporary ~~appointees~~ employees are not eligible to accrue or use any type of leave with pay. The following employees shall be eligible for leave as indicated:

1. Employees occupying regular status positions who have completed six (6) months of continuous service may be allowed to use accrued annual and sick leave.
2. Employees ~~working~~ authorized to work nineteen (19) hours or less ~~less than twenty (20) hours~~ per week are not eligible to accrue ~~or use~~ annual or sick leave.
3. Employees on leave without pay for one complete pay period do not accrue annual or sick leave for those periods of leave without pay.

~~B. Avoiding Forfeiture of Leave: Departments should plan and carry out their functions so that reasonable opportunity is afforded to employees to use accumulated leave time. Authority for approving use of annual and compensatory leave rests with the Appointing Authority.~~

C. Forfeiture of Leave:

1. Annual leave accruals may not exceed two hundred forty (240) hours per employee.
2. Original probationary employees who do not complete their probationary periods shall forfeit all accrued annual and sick leave.

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D. Reporting and Recording Leave: The Appointing Authority for each department shall be responsible for ensuring that all leave used is properly recorded as established by Human Resources ~~the Personnel Department~~.

E. Leave Requests: Requests to use leave time shall be approved in advance of usage. Departments should establish procedures for emergency requests for leave. No unearned leave shall be approved for payment.

F. Disposition of Accrued Leave upon Transfer: Employees who transfer between departments shall retain any accumulated leave time.

G. ~~Disposition~~ Disbursement of Accrued Leave upon End of County Service: For those employees eligible to use leave, accrued leave will be ~~disposed~~ paid out ~~of~~ upon completion of County service as follows:

1. Accrued annual leave will be paid at the employee's current regular hourly rate.
2. Unused compensatory time will be paid at the employee's current regular hourly rate.

23.6 Annual Leave

A. Rate of Accrual

1. Regular status full-time employees shall accrue annual ~~time~~ leave at the following rates:

Years of Continuous Service	Hours Per Pay Period	Hours Per Year	Approximate Days Per Year
1 thru 4	3.08	80	10
5 thru 9	4.62	120	15
10 & over	6.16	160	20

~~2. Employees prior to January 1, 1987 accruing twenty-five (25) days of annual leave per year will continue at that rate of accrual until termination or retirement.~~

3. Regular status part-time employees assigned to work at least twenty (20) hours per week but less than full time (forty [40] hours per week) shall accrue annual leave for each two (2) week pay period in which they are in a pay status as follows:

Regularly Scheduled Hours Per Pay Period	Percent of Regular Accrual
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

B. Use of Annual Leave

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1. Employees eligible to accrue annual leave should request leave far enough in advance of the desired time off to allow the employee's department to schedule around such time off so as to meet the needs of the department.
2. Appointing Authorities have the authority to approve or disapprove annual ~~time~~ leave requested.
3. Annual leave shall not be charged against an employee's accrued leave balance for an authorized holiday which occurs while an employee is utilizing annual leave. ~~The employee should notify the Personnel Department of holidays occurring during annual leave.~~

C. Leave Donation: Donation of leave may be made among all levels of County employment and is based on the dollar value of the leave donated. Only annual leave and compensatory leave are subject to donation.

1. An employee is eligible to receive donated leave under the following circumstances:
   a. All sick leave, annual leave, and compensatory time have been exhausted and;
   b. The employee is not eligible to receive benefits through ~~a~~ the short term disability or long term disability insurance program obtained through Gila County and;
   c. The employee is not eligible to receive payments from the retirement system of which they are a member and;
   d. The employee is not eligible to receive payments from social security and;
   e. The employee is not eligible for any publicly funded financial assistance program for disability i.e. Medicare.
   f. The employee or immediate family member (spouse, child, and parents of employee) ~~as defined under the FMLA)~~ and must have a serious health condition such as an illness, injury, impairment or physical or mental condition involving either inpatient care or continuing treatment by a certified health care provider. ~~as defined under the FMLA.~~
   g. The employee is not receiving benefits from worker's compensation.
2. The dollar ratio of donated leave will be adjusted proportionately to the salaries of the donor and recipient. ~~The~~ Gila County ~~Personnel Department~~ Human Resources is responsible for making such determination. The recipient is under no obligation to repay the donated hours or monies.
3. The maximum amount of annual leave that may be donated during any fiscal year is limited to forty (40) hours. The amount of compensatory leave that may be donated is unlimited. The ~~disabled employee~~ recipient may receive donations from any number of donor employees.
4. If the recipient of the donated hours has a serious health condition, he/she must currently be on an approved ~~medical~~ leave of absence without pay and possess a doctor's ~~certification~~ note specifying that the recipient is not yet able to return to work full time. The recipient must deliver the doctor's ~~certification~~ note to his/her Appointing Authority. ~~The recipient must have exhausted all paid sick leave, annual leave, and compensatory time from his/her leave balances.~~

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5. In the event that the leave is to care for an immediate family member with a serious health condition, the recipient must deliver documentation substantiating this leave to his/her Appointing Authority.
6. Procedure
   a. To initiate this process, the employee must notify the Appointing Authority that they are requesting donated leave.
   b. The employee may complete a "Name Disclosure Authorization" form, found on the Gila County Intranet and send to Human Resources.
   c. The Appointing Authority prepares a memo for distribution to all departments requesting donation be made. The employee's specific physical condition or ailment **cannot** and **should not** be mentioned.
   d. To initiate the transfer of leave, the donor must ~~voluntarily~~ ~~request~~ complete the "Donation of Leave" form found on the Gila County Intranet. The leave may not be revoked once it has been credited to the recipient's leave balance. ~~from the Personnel Department~~. ~~He/she must indicate the recipient and then complete the "Donor" portion of the form and sign the form before a Notary Public.~~ ~~After completion of the donor information, the form is forwarded to the recipient's department.~~
   e. ~~The recipient's department then completes the recipient's section of the form and attaches the doctor's certificate of unavailability to perform current duties.~~ The completed form is then sent to ~~the Personnel Department~~ Human Resources for approval.
   f. ~~The Personnel Department will then verify the doctor's certification (additional information may be requested as necessary)~~. After approval, the original copy of the form is kept by ~~the Personnel Department~~ Human Resources. Copies will then be forwarded to the Finance Department, the recipient, recipient's department, the donor and the donor's department.
   g. If not approved, ~~the Personnel Department~~ Human Resources will ~~so~~ indicate reason for disallowance on the form and copies will be distributed to the appropriate parties.

23.7 Sick Leave

A. Rate of Accrual
1. Regular status full-time employees shall accrue sick leave at the rate of ten (10) days per year (three and eight one-hundredths [3.08] hours per pay period). Maximum accrual is unlimited.
2. Accrued sick leave will not be paid at the completion of County service.
3. Employees retiring with at least one thousand (1,000) hours of unused sick leave will be eligible ~~entitled to~~ for a $3,000.00 sick leave benefit ~~bonus~~. Employees hired after_____, will not be eligible for the $3,000.00 sick leave benefit.
4. Regular status part-time employees shall accrue sick leave at the following rates:

Regularly Scheduled Percent of

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Hours Per Pay Period	Regular Accrual
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

B. Sick Leave: Employees eligible to accrue sick leave may use sick leave only as provided in these policies ~~rules~~. Sick leave may include any period of absence with pay of an employee under the following conditions:
   1. Illness or injury;
   2. Medical or dental care;
   3. Quarantine or exposure to contagious disease which might be reasonably suspected of endangering others by the attendance of the exposed employee;
   4. Illness or injury of a member of the immediate family which requires the presence of the employee for assistance or care.
   5. Immediate Family is defined as spouse, child, adopted child, stepchild, foster child, ward, mother, father, brother, sister, ~~and~~ grandparents~~, or~~ grandchildren, or an individual who stands or stood in loco parentis of either employee or spouse.

C. Verification of Need for Sick Leave: The Appointing Authority may require an employee requesting sick leave to submit documentation substantiating the need for sick leave which has lasted longer than three consecutive work days. Failure to provide required documentation from a medical provider may be grounds for disciplinary action up to and including termination. Once obtained by the Appointing Authority, this documentation must be sent to Human Resources.

D. After five work days of illness, the employee must provide documentation to Human Resources to be able to return to work.

E. Sick Leave without Pay: In cases where the employee does not have sufficient ~~leave~~ sick time accrued ~~to cover disability~~, such employee must use any accrued annual leave. In the event all accrued leave time has been exhausted, the employee may request unpaid leave.

23.8 Family and Medical Leaves of Absence: The purpose of the Family and Medical Leave Act of 1993 (hereinafter referred to as Family Leave) is to entitle employees to take up to twelve (12) workweeks of leave during any twelve (12) month period for adoption or childbirth, the placement of a child with the employee for adoption or foster care, or to care for a seriously ill child (son or daughter), parent, spouse or the employee's own illness.

A. Eligibility
   1. All County employees are eligible for Family Leave if they have been employed with Gila County for:
      a. At least twelve (12) months; and
      b. For at least 1,250 hours (156 days) of service with the County during the previous twelve (12) month period.

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2. Under certain circumstances, the highest paid 10% of the work force may be denied Family Leave if such leave would cause an economic hardship for Gila County.
3. Military Family Leave Provisions
   a. Qualifying Exigency Leave: An employee may take up to twelve (12) workweeks of FMLA to handle certain non-medical exigencies arising from the fact that the employee's spouse, son, daughter, or parent in the National Guard or Reserve is on active duty or called to active duty status. There are eight qualifying exigencies that merit this type of leave:
      1. Short-notice deployment
      2. Attending military sponsored functions
      3. Counseling
      4. Rest and recuperation
      5. Post-deployment activities
      6. Making appropriate financial/legal arrangements
      7. Arranging for alternative childcare
      8. additional activities not encompassed in the previous categories that arise out of the covered military member's active duty or call to active duty status to which the employee and county agree
   b. Military Caregiver Leave: Family members and next of kin of covered service members may take up to 26 workweeks of leave in a "single 12 month period" to care for a covered service member with a serious illness or injury in the line of duty.

B. Requirements
   1. An employee shall be entitled to a total of twelve (12) workweeks of leave during any twelve (12) month period for any of the following reasons or combination of the following reasons:
      a. The birth of a child and in order to care for such child.
      b. Because of the placement of a child with an employee for adoption or foster care.
      c. In order to care for the spouse, child or parent of the employee.
      d. Due to a serious health condition that makes the employee unable to perform the duties of the position held.
   2. Family Leave may be taken intermittently or on a reduced schedule if so requested in advance by the employee and approved by the Appointing Authority.
   3. For the purposes of this policy ~~Rule~~, a "serious health condition" shall be defined as "an illness, injury, impairment or physical or mental condition" involving either inpatient care or continuing treatment by a certified health care provider. This is for a period of three (3) consecutive days or more.

C. Paid/Unpaid Leave
   1. ~~Before unpaid Family Leave will be granted, an employee must first exhaust any accrued sick and annual time~~. If the employee has accrued annual leave, sick or compensation time, they must use that accrued leave while on Family Leave.

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2. Any paid leave (i.e. annual or sick) granted during a Family Leave period shall be counted towards the annual total twelve (12) workweeks of Family Leave.

D. Employee Notice
1. If the necessity for Family Leave is foreseeable by an employee (i.e. expected childbirth, adoption) an employee must provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.
2. If Family Leave is based on foreseeable and/or planned medical treatment of a spouse, child (son and/or daughter), parent, or an employee's own treatment, an employee must:
   a. Make a reasonable effort to schedule such treatment as to not disrupt essential operations of the department;
   b. Provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.

E. Husband and Wife – Both County Employees: If a husband and wife are both employed by Gila County, the total aggregate number of workweeks of Family Leave will be limited to twelve (12) total workweeks during any twelve (12) month period for the purposes of caring for a new child or a sick parent.

F. Medical Certification
1. In order for an employee to be granted Family Leave due to medical treatment of a spouse, child (son and/or daughter), parent or an employee's own treatment, a certificate from the health care provider is required. The certificate must include:
   a. The date on which the condition commenced.
   b. The appropriate medical facts of the condition.
   c. If the Family Leave is to be granted for the care or assistance in the recovery from an illness of a child, parent, or spouse, a statement that the employee is needed to provide the care.
   d. If the Family Leave is to be granted for an employee's own treatment, a statement that the employee is unable to perform the duties of his/her position.
   e. For planned employee intermittent leave or reduced work schedule, the dates and duration of each period, what treatment is expected, and a statement of the medical necessity.
   f. A statement that the leave is necessary for planned intermittent or reduced work schedule time for the care or assistance in the recovery from illness of a child, parent, or spouse.
2. Statements from health care providers shall be given to ~~the Personnel Department~~ Human Resources for review and approval.
3. Gila County reserves the right to have the employee obtain a second opinion, or third opinion if necessary, at Gila County's expense, regarding certifications by providers.
4. Employees on Family Leave are required to inform their Appointing Authority at least every thirty (30) days as to their status and possible return to work. Gila County reserves the right to require an employee to obtain subsequent re-certification(s) from a health care provider on a

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reasonable basis as deemed necessary by the Appointing Authority and after review by the Director.

G. Replacement during Family Leave: Gila County reserves the right to replace an employee, on a temporary or permanent basis, while such employee is on Family Leave.

H. Return From Family Leave
   1. As a condition of restoration, an employee returning from Family Leave must provide his/her Appointing Authority with a certification from the attending health care provider that they can return to work. The certification must outline what duties and restrictions the returning employee can assume (i.e. normal duties, can lift only 10 pounds, etc.).
   2. An employee returning from Family Leave shall be:
      a. Restored to the same position held when the leave commenced, or;
      b. Restored to a comparable position with equivalent benefits, pay, etc.

I. Health Benefits
   1. Employee Coverage
      a. For an employee on Family Leave, Gila County shall maintain and continue to pay for the employee's medical coverage under the Gila County employee health plan.
      b. If the employee is released by his/her health provider and fails to return from Family Leave after the period of leave expires, all premiums paid for group health coverage during the period of unpaid Family Leave may be recovered from the employee.
   2. Medical Insurance Premiums: Employees on Family Leave who have health coverage shall bear the responsibility to maintain and continue to pay for medical coverage if the employee so chooses. Arrangements to pay for medical coverage are to be made with ~~the Personnel Department~~ Human Resources prior to the commencement of the Family Leave.

J. Leave Accruals: Annual and sick leaves shall not accrue ~~during a period of unpaid Family Leave~~ while receiving donated leave on Family Leave.

K. Twelve Month Period is a "rolling" twelve (12) month period measured backward from the date an employee uses any leave under the Act.

23.9 Leaves of Absence with Pay: Employees may be granted leaves from work with pay under the following provisions. Pay granted shall not be charged to the employee's accrued sick, a, or compensatory leave credits.

A. Regular status County employees called to serve upon a jury during their work hours. Any Federal jury pay (excluding reimbursement for miles traveled, food, and/or lodging) received by such employee must be turned over to the Treasurer's ~~Department~~ Office and a Treasurer's receipt furnished to ~~the Personnel Department~~ Human Resources. County jury pay is mileage only.

B. Leave with pay up to three (3) hours of duty time may be utilized for voting by an employee who is qualified to vote on primary and general election days.

C. ~~Leave with pay for County business requiring an employee to be absent from the County more than one day, except for established or routine duties, may be granted with approval of the Appointing Authority~~.

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D. Leave with pay to attend trade, professional, or other meetings which directly relate to official duties may be granted with approval from the Appointing Authority.

E. An Appointing Authority may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.

F. An Appointing Authority may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

G. Bereavement Leave: The purpose of this leave is so that the employee can arrange/attend services for the deceased. In the event of the death of a member of the immediate family, up to twenty-four (24) hours, three (3) days, of paid leave may be granted. Up to forty (40) hours, five (5) days of paid leave may be allowed for circumstances requiring ~~substantial~~ out of state travel. This does not include temporary or probationary employees.

H. For the purposes of Bereavement Leave, Immediate Family means an employee's spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, ward, adopted child, grandchild, brother, sister, father-in-law, mother-in-law, sister-in-law, daughter-in-law, son-in-law ~~spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, and grandparents, or grandchildren~~ or an individual who stands or stood in loco parentis of either employee or spouse parentis of either the employee or spouse.

I. Upon approval of the Appointing Authority, an eligible employee may use his or her annual leave, compensatory time or sick time when additional bereavement time is needed.

J. Bereavement leave shall not be counted as hours worked for the purposes of computing overtime.

K. Victim Leave: The purpose of this leave is so that an employee can take time off without pay for an unlimited amount of time under the provisions of the Arizona Victim Leave Law. ARS 8-420 and 13-4439, if the employee is a "victim" of a crime

L. The leave of absence shall be granted for the employee to attend all court proceedings involving the perpetrator(s) of the crime(s) against the employee.

Exception: an employee's time may be limited if it creates an undue hardship, as defined by the statute, for the County.

M. The employee shall maintain all seniority rights while absent from employment under these provisions.

N. All records regarding an employee's victim leave shall be considered confidential and maintained in a separate department personnel file.

O. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.

I. "Victim" is defined as a person against whom the delinquent act or criminal offense has been committed, or if the person/victim is killed or incapacity, the person's immediate family or lawful representative.

II. "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.

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III. "Lawful representative" means a person who is designated by the victim OR appointed by the court to act in the best interests of the victim.

P. Exception: a family member not entitled to take victim leave who is in custody for an offense or is the accused.

Q. Employee's option for pay: victim leaves are unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need to be exhausted before victim leave begins.

R. Department requirements: at the conclusion of the leave period, the department shall assign the employee to the same or an equivalent position with the same pay, benefits and working conditions. An employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period.

S. Leave request procedure: an eligible employee shall provide the Department with the following documentation before victim leave is granted. A copy of the notice from law enforcement or the prosecutor regarding the employee's status as a crime victim; AND a copy, if applicable, of the notice of any scheduled proceeding is required.

23.10 Leaves of Absence Without Pay

A. Educational Leave: Leave without pay may be granted for reasonable periods of time (normally not exceeding one [1] year) to enable employees to attend work-related education and training courses. Educational leave without pay may be granted by the Appointing Authority after the ~~Personnel~~ Human Resources Director has certified that such leave is in the best interest of the County.

B. Personal Leave: Up to six (6) months leave without pay for personal reasons may be granted upon approval of the Board of Supervisors and with concurrence of the Appointing Authority when fully justified in writing by the employee.

C. Return from Leave without Pay: An employee's right to return from leave without pay to a position in the County service shall be conditioned upon the availability of an appropriate position and sufficient appropriation. Any unused accruals shall be reinstated at the time of return to duty. Employees on leave without pay for one complete pay period do not accrue annual or sick leave for those periods of leave without pay.

23.11 Military Leave: 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 service.

23.12 Absence Without Leave

A. Any unauthorized absence of an employee from duty shall be considered an absence without leave and deduction of pay may be made for such absence.

B. Any unauthorized absence shall constitute grounds for disciplinary action up to and including termination ~~dismissal~~.

C. Any employee who is absent for three (3) or more consecutive days without authorized leave is automatically considered to have ~~abandoned the position~~ resigned. When extenuating circumstances are found to have existed and the

employee is allowed to return to work, such absence may be covered by leave with or without pay by the Appointing Authority with concurrence of the ~~Personnel~~ Human Resources Director.

23.13 Workers Compensation Leave

A. Use of Leave
   1. An employee who sustains a job-related "medical only" injury that is compensable under the Workers' Compensation Law, Title 23, Chapter 6, A.R.S., or who is returned to modified or light duty, shall be required to use any available sick or annual leave when receiving medical treatment during the employee's normal working hours unless the employee has been directed by the County to report to the treatment facility (as in the case of an independent medical examination). In this case, the employee will be paid his/her regular wage from the department budget.
   2. An employee who sustains a job-related lost time injury that is compensable under the Workers' Compensation Law, Title 23, Chapter 6, A.R.S., shall be placed on sick leave unless the employee has an available compensatory time balance.
   3. The employee may elect to use compensatory leave, if available. Once available compensatory leave is exhausted or the employee chooses to no longer draw from the account, the employee will be placed on sick leave and finally annual leave until these leave accounts have been exhausted.
   4. If eligible, the employee will be placed upon Family Medical Leave. Note: FMLA will not be charged against any time off in which the employee is using accrued compensatory time.
   5. After all leave accounts are exhausted, the employee shall be placed on leave without pay.
B. Payments
   1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers' Compensation payments) not to exceed the gross salary of the employee.
   2. If the employee receives a retroactive Workers' Compensation payment for the initial five day period of industrial injury, and for that period has received leave payments, the employee shall reimburse the County for five days of Workers' Compensation payments, and the equivalent value of leave shall be restored to the employee's appropriate leave account.
C. Modified or Light Duty: In the event of an industrial injury that prevents an individual from performing their regular duties, modified or light duty may be offered at the discretion of ~~the County~~ Risk Management, Elected Official, Department Director ~~The County~~ Risk Management, Elected Official, or the Department Director will first attempt to place the employee on modified or light duty within his/her originating department. If no modified or light duty is available in the originating department, ~~the County~~ Risk Management may place the employee in another department. Regardless of the department the employee is placed in, wages will be paid from the originating department's budget. An employee who is offered modified or light duty who is currently on Family Leave will not be required to accept the modified or light duty.

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However, they may forfeit future workers compensation payments. All light duty positions are temporary in nature to be reviewed every thirty (30) days.

D. Restriction: Sick leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. §23-901 to 23-1091.

E. Health Benefit Plan Participation
   1. An employee who is on leave without pay due to an industrial disability may continue to participate in the Health Benefit Plan for a maximum of six months by paying the employee contribution.
   2. At the end of this six month period, an employee who remains on leave without pay due to industrial disability may continue to participate in the Health Benefit Plan by paying both the employer and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.

F. Disability Income Insurance Plan Participation: An employee who is on leave without pay may continue to participate in the Disability Income Insurance Plan by paying the premium.

G. Termination: The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

H. Accrual of Leave: An employee shall continue to accrue full leave credits as long as the employee is using two or more hours of leave each day.

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~~RULE~~ Policy 24 – Overtime Pay and Compensatory Leave

This policy covers all employees in the classified service as defined in the Gila County Merit System Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

24.1 Purpose: Provide a guideline for compensatory time accrual and overtime.

24.2 Gila County takes appropriate action to ensure compliance with the Fair Labor Standards Act (FLSA). All positions are identified as exempt from coverage or non-exempt from coverage as provided by law and in accordance with prescribed FLSA guidelines. Elected Officials and their Chief Deputies are not covered by the FLSA.

24.3 FLSA-EXEMPT employees are those who are exempt from the provisions of the Fair Labor Standards Act that obligate employers to pay overtime for time worked in excess of forty (40) hours in a workweek. A position that meets the standard test for executive, administrative, professional or computer employment may be classified as exempt.

24.4 FLSA-NON-EXEMPT positions that must be paid overtime for time worked in excess of forty (40) hours in a workweek. These provisions include standards for minimum wage, equal pay and overtime pay.

24.5 Positions within Gila County may be changed from one category to another as the requirements of the law change or as the nature and scope of duties and responsibilities of particular jobs change. Existing and newly established positions will be evaluated and assigned to the appropriate category by the Human Resources Director.

24.6 EXEMPT: Exempt positions are paid on a salaried basis. Situations will occur when an exempt employee will work more than forty (40) hours in a workweek and will not normally result in compensatory time or additional compensation. Exceptions must be approved in writing by the Board of Supervisors. Exempt employees will not complete a timesheet; however they will track time used for sick leave, annual leave and holidays.

24.7 Employers in the public sector are allowed to make partial day deductions from the pay of exempt workers if the public entity has a policy or practice of making such deductions for reasons of public accountability.

24.8 Complaints or reports of improper pay deductions should be taken directly to the Human Resources Director. The Human Resources Director will expedite an investigation into the complaint. After an investigation, the Human Resources Director will issue a written finding. If a basis is found for the complaint, the Human Resources Director shall make recommendations to rectify the improper

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pay deduction. If no basis is found for the complaint, the complaining employee shall be notified in writing.

24.9 Approval of Overtime Work: All work in excess of 40 hours per week or in excess of an established work period must be approved by the Appointing Authority.

24.10 Non-Exempt Employees

A. An employee in a non-exempt position who works in excess of 40 hours per week or in excess of an established work period shall be compensated by either:
   1. Additional pay at the rate of one and one-half times the employee's regular rate for each excess hour worked, or;
   2. Compensatory leave at the rate of one and one-half hours for each excess hour worked.
B. The Appointing Authority shall determine if the excess hours are to be compensated by overtime pay or compensatory leave, unless the employee's compensatory leave balance has reached the maximum allowed in Subsection 24.11 below, in which case the employee must be compensated by overtime pay.

24.11 Maximum Accumulation: The maximum number of hours of accumulated compensatory leave is:

A. 160 hours for employees who work in a public safety activity, or
   80 hours for employees who work in any other activity
B. Compensatory time that has remained unused for a period exceeding six months shall be paid to the employee.

24.12 Payment Upon Termination of Service: An employee who has unused compensatory leave at the time of termination from County service shall receive compensation for each hour of such compensatory leave at the higher rate of:

A. The average rate received by the employee during the last three years of the employee's employment, or;
B. The final rate received by the employee.

24.13 Scheduling Compensatory Time

A. Employee requests for compensatory time will be scheduled within a reasonable period of time so long as they do not unduly disrupt the operations of the department in which the employee works.
B. An employee who has accrued compensatory time will be required to charge all scheduled paid time off (with the exception of sick time) against their compensatory time balance.
C. An Appointing Authority may require employees to take time off to reduce compensatory time balances.

24.14 Transfer

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A. An employee who is transferred to another department within Gila County shall transfer all accumulated and unused compensatory leave to the employee's compensatory leave account in the new department.
B. An employee who is transferred to another funding source within Gila County shall be paid all accumulated and unused compensatory leave to the employee's compensatory leave account in the new department.
C. An employee who changes from non-exempt to exempt status shall be paid the balance of compensatory time upon transfer.

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~~RULE~~ Policy 25 – Americans with Disabilities Act as Amended by 2008

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

25.1 Purpose: Gila County will comply with all Federal and State laws concerning the employment of persons with disabilities, maintains non-discrimination against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

25.2 ADA Non-Discrimination: Gila County maintains non-discrimination in recruitment, employment, job assignment, compensation, benefits, performance evaluation, promotion, demotion, training, leaves, layoffs, terminations and in other actions and practices affecting applicants and employees. Also, Gila County does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability. Gila County does not discriminate against employees nor prospective employees with legally protected disabilities. Legally protected disabilities include:

A. A physical or mental impairment that substantially limits one or more major life activities;
B. Having a record of such an impairment; or
C. Being regarded as having such an impairment.

25.3 Reasonable Accommodation

A. When it has been determined that an individual(s) with a protected disability is the best qualified candidate for an open position, but they are unable to perform one or more of the "essential functions" of the job without reasonable accommodation, Gila County will consider requests for reasonable accommodation which would permit the candidate to perform the assigned duties.
B. Potential reasonable accommodations(s) will be evaluated based on their effectiveness in facilitating safe and successful job performance as well as associated costs of the accommodation(s). All employees are required to comply with health and safety standards.
C. Gila County will not undertake accommodations(s) that would cause or result in an undue hardship to Gila County.
D. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, when such threat cannot be eliminated by reasonable accommodation, will not be hired.

25.4 Reassignment of Current Employees

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A. If a current employee is not able to perform their normal job duties subsequent to a disability, the employee will be considered for other current job openings for which the employee is qualified and which the employee is able to perform.
B. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until a decision has been made in regard to the employee's immediate employment situation.
C. In the event the employee's disability is covered under the ADA, reasonable accommodation(s) will be considered.
D. If reasonable accommodation(s) are not possible, the employee will be considered for other available positions for which they are qualified and which the employee is able to perform even if the position is not in the same job classification and grade.
E. In the event that a position is offered but refused by the employee, the employee's employment will be terminated.

25.5 Responsibility: It shall be the responsibility of the Director to assure that this policy is adhered to.

A. If an employee or prospective employee believes they have a legally protected disability and feel they have been discriminated against due to that disability, or feel they have been discriminated against due to their relationship or association with an individual with a known disability, they are to contact the Gila County ~~Personnel~~ Human Resources Director, 1400 E. Ash Street, Globe, Arizona 85501.
B. All complaints will be treated confidentially and investigated carefully. Each employee or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result.
C. An employee or prospective employee will in no way be affected by reporting their concern to the Director.

25.6 Request for Reasonable Accommodation

A. If an employee or prospective employee has a disability that is covered by the AADA as Amended by 2008, they may request reasonable accommodation for four (4) purposes:
   1. To complete the pre-employment application process.
   2. To take a test ~~an examination~~.
   3. To perform essential function(s) of the job.
   4. To have the same benefits and privileges of non-disabled employees.
   5. The employee and employer will engage in the interactive process and engage in a meaningful dialogue with the employee to find the best means of accommodating the disability.
B. Requests for reasonable accommodation should be submitted to the Director.
C. When ~~the Personnel Department~~ Human Resources is not involved in the interviewing process and an applicant requests a reasonable accommodation for any reason, ~~Personnel~~ Human Resources should be consulted prior to any accommodation being given.
D. No reasonable accommodation should be granted by a department before it is discussed with ~~Personnel~~ Human Resources.

E. Some reasonable accommodation(s) may require the approval of the Board of Supervisors prior to being granted.

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~~Rule~~ Policy 26 – Workplace Violence

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System ~~Rules and~~ Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

26.1 Purpose: To establish Gila County's policy on workplace violence, provide a guideline for reporting workplace violence and disciplinary procedures for employees engaging in violent workplace behavior.

26.2 ~~Policy:~~ It is Gila County's policy to promote a safe environment for its employees. Gila County is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

26.3 Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action up to and including termination, criminal penalties, or both.

26.4 Reporting: If you observe or experience violent, threatening, harassing, intimidating, or other disruptive behavior by anyone in the workplace, whether he/she is a county employee or not, report it immediately to a supervisor or manager. Elected Officials, Department Heads and Supervisors ~~and managers~~ who receive such reports must notify ~~the Personnel Department~~ Human Resources immediately. The Director will expedite an investigation of the incident as deemed appropriate and initiate appropriate action.

26.5 Threats or assaults that require immediate attention by security or police should be reported first to the Gila County Sheriff's Office or other law enforcement agency as appropriate.

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