

CITY OF KINGMAN

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PERSONNEL RULES & REGULATIONS

AS ADOPTED OCTOBER 1, 2010

Includes AMENDMENT NO 1 Effective 7/1/2011

Includes AMENDMENT NO 2 Effective 1/1/2012

Includes AMENDMENT NO 3 Effective 11/1/2012

Includes AMENDEMENT NO 4 Effective 7/1/2013



CITY OF KINGMAN PERSONNEL POLICY RULES AND REGULATIONS

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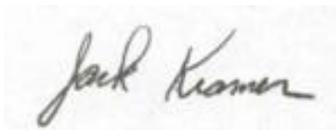
CITY OF KINGMAN
RULES AND REGULATIONS
as adopted October 1, 2010

PREFACE

Rules and regulations set forth in this handbook and in other communications distributed to employees are presented as a matter of information. The City reserves the right to modify, revoke, suspend, interpret, terminate, or change any or all such plans, policies, or procedures in whole or in part at any time, with or without notice. The language used in any City plan, policy or procedure is not intended to create, nor is it to be construed to constitute, a contract between the City and any one or all of its employees. Employees are employed at will.

These policies are a statement of expectations, adopted by the City of Kingman, through which the City of Kingman (City) defines employee benefits, employee responsibilities, obligations, and opportunities for professional growth.

All employees need to familiarize themselves with these rules and regulations, as well as other pertinent policy and procedure manuals or statements issued by the City. The City will make reasonable efforts to notify employees of any changes made to these documents, but it is the employee's responsibility to follow current policies and guidelines.



Jack Kramer, City Manager 7/1/2013
Dated



Carl A Cooper, City Attorney 7/1/2013
Dated

Definition of Terms

The following terms, whenever used in these rules, shall be defined as follows:

Administrative Instruction: Special instructions as provided under the direction of the City Manager which are to be included as a part of the Rules and Regulations.

Anniversary Date: The date on which an employee began employment with the City of Kingman.

Appeal: A request of the Personnel Board to hear a complaint alleging suspension without pay, demotion, or dismissal.

Applicant: A person seeking City employment or an employee seeking reappointment, promotion, or demotion within City employment, who has completed and returned, on a timely basis, an official City of Kingman application form and supplemental documents completely and in according to instructions.

Appointment: The offer to a person, and their acceptance of a position authorized by the appointing power.

Appointing Authority: An officer of the City who has the final authority to make the appointment to the position to be filled. Unless otherwise provided below, the appointing authority with regard to those employees covered under these rules will be the City Manager.

The Appointing Authority with respect to the City Manager, the City Attorney, and City Magistrate, shall be the Common Council.

Certification Pay: A pay allowance may be granted to certain job classifications requiring specialized certificates/skill, upon recommendation of department director and approval of City Manager. Certification Pay is subject to overtime provisions for non-exempt classifications. Certain other position bonuses may be permitted a pay allowance upon approval of department director and City Manager. These positions require prior approval and budgeting.

Classification: All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and which denotes similar standards of selection, transfer, promotion and similar hourly wage or salary.

Classification Plan: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.

Close Relative: Any person related to another by affinity or consanguinity within the third degree. There are various definitions of close/immediately family member within these rules as applied to specific policies.

Compensation Committee: is comprised of the Human Resources Director, City Attorney, City Clerk, City Engineer, City Magistrate, Development Services Director, Economic Development Director, Fire Chief, Finance Director, Information Systems Director, Parks & Recreation Director, Police Chief and Public Works Director.

Compensation Plan: The salary and wage plan and all other forms of pay for performance based consideration earned by or paid to an employee, except reimbursement for necessary expenses or benefits which have been authorized and incurred.

Compensatory Time: Time off given with pay in lieu of overtime pay.

Cost of Labor: A salary plan adjustment adopted by City Council to cover the December to December per unit labor cost trends as reported by Bureau of Labor Statistics.

Demotion: The change in assignment of any employee to a wage range with a lower maximum rate of pay.

Department Director: Those officers or employees who are appointed as the principal employee of a department for the implementation of duties provided by law or of particular delegated functions.

Discharge: The involuntary separation of an employee from City service for disciplinary reasons.

Disciplinary Probation: Employee placed on probationary status to correct identified deficiencies, aka Special Observation Period.

Dismissal: The involuntary separation of an employee from City service for disciplinary reasons.

Division Supervisor: The officer or employee who is appointed as the principal employee of a division and who is responsible for that division. The division supervisor reports to the Department Director.

Emergency Callout: Any full time employee may be required to report to work outside the normal work hours in order to meet an emergency. Employees required to work under these provisions shall be paid a minimum of two hours pay. Employees shall be notified by the Department Director or designee of the emergency.

Pay for Emergency Call will be paid on the following basis:

- A. Non-exempt employees will be paid at the overtime rate.
- B. Non-exempt employees who work more than two hours will be paid at the overtime rate for all hours actually worked.
- C. Pay will not begin until the employee reports to work.

This policy does not apply when an employee is requested to report to work early for his/her regularly scheduled shift.

The supervisor may require an employee to let him/her know where the employee will be should an emergency arise. No other restrictions shall be placed on the employee. No compensation will be paid for "on call" status. Note: See Standby Time in [Rule 7. Compensation Plan](#).

Employee: (Revised 7/2013) A person employed by the City of Kingman, falling into one of the following categories. Excluded from this term are elected officials, boards and commissions, volunteers, leased labor, and contractors:

- A. "Full-Time" – is a Classified Position. Regular full time employees are those who are not in Non-Classified Positions and who are not in an Introductory Status. Employees in this category are expected to work a full schedule, i.e., 2080 hours annually or 2756 for operations fire personnel. Employees in this category are eligible for the City's benefit package.
- B. "Three-Quarter" – is a Classified Position. Regular Three-Quarter employees are those who are not in Non-Classified Positions and who are not in an Introductory Status. Employees in this category are expected to work a minimum of 30 hours but less than 40 hours per week and are eligible for the City's benefit package and pro-rated leave benefits.
- C. "Part-Time A" – is a Non-Classified Position. Regular Part-Time A employees are those who are regularly scheduled to work a minimum of 20 hours not to exceed 24 hours per week. While employees in this category are not eligible for benefits, employees in this category may receive pro-rated holiday, vacation, sick, and bereavement leave. They are also subject to ASRS membership and contributions; however, have no due process or appeal rights.
- D. "Part-Time B" – is a Non-Classified Position. Regular Part-Time B employees are expected to work less than 20 hours per week. Employees in this category are not eligible for any City benefits and have no due process or appeal rights.
- E. "Seasonal; Temporary; or Relief (Sick/Vacation)" – these are Non-Classified Positions. These positions are temporary and limited in duration. Employees in this category are not eligible for any City benefits and have no due process or appeal rights. Employees are required to be assigned to either a scheduled of ≤ 24 hours per week or a consecutive period of employment of not more than 90 days each season (one season per year – i.e., May 20 – August 20).

Grievance: A Grievance is a written complaint or problem by an employee that there has been a violation, misapplication or misinterpretation of City of Kingman Personnel Rules and Regulations.

Introductory Period: A working test period during which an employee is required to demonstrate his/her fitness for the duties to which he is appointed by actual performance of the duties of the position.

Layoff: The conditional termination of an employee due to lack of funds, reduced demand for services, reduction or elimination of a City function and program, end of seasonal/temporary/relief work, elimination of position, or other reasons specified in these Rules.

Merit Pay: A salary increase granted on the basis of job performance.

Overtime Work: Those hours of work in excess of forty (40) hours per work period for non-exempt employees. Those hours in excess of 212 hours in a 28 day work period for non-exempt shift fire personnel.

Performance Evaluation: The periodic evaluation of an employee's work reflected on forms approved by the Human Resources/Risk Management Director.

Personnel Board: A seven-member board appointed by the City Council to conduct hearings under the appeal procedures and render advisory opinions. The members of the Board shall not be employees of the City.

Political Activity: An election process designed to fill public offices.

Promotion: The promotion of an employee to a range having a higher maximum rate of pay.

Regular Employee: An employee who successfully completed his/her introductory period.

Regular Position: Any position which is scheduled to work fifty-two weeks per year, and equivalent to 30 or more hours per week..

Rehire: The re-employment of a former regular employee.

Salaried Employee: An employee who performs duties of an administrative, executive or professional nature. Salaried Employees will be considered exempt employees under the Fair Labor Standards Act. Salaried employees are not required to account for leaves in increments of less than 8 hours. Salaried employees are defined as employees filling positions in Salary Grade 217 or above.

Shall/May: "Shall" is mandatory and "May" is permissive.

Sick Leave: Absence due to personal illness or physical incapacity caused by factors over which the employee has no reasonable control or the illness of a member of the immediate family of such employee which illness requires his/her personal care or attention. Additional time needed for Bereavement or time off in accordance with the Arizona State Victim's Leave Law ARS § 13-4439; § 8-420 are permissible uses of sick leave.

Special Observation Period: Employee placed on special observation period to correct identified deficiencies, aka Disciplinary Probation.

Standby: Standby is a work status whereby the employee on standby is required to be able to respond to the employee work station upon notice. The employee on standby must be supplied with a beeper, pager or cell phone for immediate notification of any work required of the employee. No employee will be placed on standby unless a written order is given to the employee signed by the department director. All standby employees must be given a work schedule designating which hours are standby hours. Standby hours shall be paid at the rate of one hour of pay for each three hours of standby duty. Compensatory time shall not be used as compensation for standby. All standby time will be paid in the pay period it was earned.

Termination: Separation of employee from City service which may or may not be an involuntary termination related to disciplinary reasons.

Transfer: The reassignment of an employee from one position to another position in which the employee possesses the desired minimum qualifications.

Vacation: Time off with pay earned by the employee in recognition of service time and of the employee's need for a period of rest and recreation.

Wage-earning Employee: An employee who is not a salaried employee earns an hourly wage.

Under Filling: When no qualified applicants are available, a position may be filled at a lower related job classification within the same job family. When that employee has completed the training and/or meets the original requirements of the position, the employee may be reclassified to the original job classification upon recommendation of the Department Director and approval of the City Manager. For budget purposes, the original job classification will be listed on the Full Time Equivalent (FTE) breakdown.

Rule 1. Organization for Personnel Administration

SECTION 1. Mayor/City Council: The Mayor and the City Council will be the ultimate policymaking authority for the City of Kingman as provided for by the municipal code.

SECTION 2. The City Manager: The City Manager is the policymaking authority in the formulation of personnel policies, to prescribe policies, and administer policies and procedures with the aim of facilitating personnel administration for the City departments. The City Manager is charged by the City Council with insuring the continued fair administration of the human resources programs which includes recruitment, interviewing, testing job applicants (where applicable), maintaining eligibility lists from which appointments are made, insuring that all appointments are made on the basis of merit, aiding in the formulation and interpretation of personnel policy, maintaining the classification plan, administering the pay plan, keeping records on all employees, supervising the grievance procedures, promoting training programs, and fostering good employee relations. The City Manager will be ultimately responsible for maintaining the appropriate discipline among city employees and accomplishing such other personnel matters as deemed appropriate.

SECTION 3. Administration: The Human Resources program established by the policies and procedures will be administered by the City Manager or his/her designee, the Human Resources Director. These Rules shall apply to all City of Kingman employees excluding elected officials, independent contractors, boards and commissions, but including volunteers. The Human Resources Director is responsible for the interpretation and enforcement of the personnel rules. The Human Resources Director will:

1. Attend all meetings of the Personnel Board.
2. Administer all provisions of these policies and procedures.
3. Prepare and recommend to the City Manager revisions and amendments to these policies and procedures.

SECTION 4. Administration of the Rules: The City Manager, or his/her designated representative, will be charged with the responsibility for the administration of these policies and procedures. It is the Department Director's and Supervisor's responsibility to follow up and implement these policies and administrative guidelines. Deviation from these policies or administrative guidelines without prior permission from the City Manager will be grounds for discipline up to and including termination.

SECTION 5. Department Regulations: It is the supervisor's responsibility to consistently and fairly implement these Personnel Rules within their department. The Personnel Rules will not be construed as limiting in any way the power and authority of any department director to make departmental policies and procedures governing the conduct and performance of employees. Departmental policies and procedures will not conflict with provisions of these policies and procedures. If such a conflict exists, these policies take precedent over department policies. Department policies and procedures, when approved by the City Manager, then published and distributed as herein provided, will have the force and effect of policies and procedures of that

department, and disciplinary action may be based upon breach of any such policies and procedures. Department policies and procedures will be reviewed by the City Attorney and Human Resources Director and approved by the City Manager.

SECTION 6. Amendment and Revision of Rules: Proposed amendments and revisions to these rules may be suggested to the City Manager through the Compensation Committee by an interested person. The City Manager may change or modify these rules as may, from time to time, be necessary. Amendments and revisions to these rules shall become effective upon approval by the City Manager.

SECTION 7. Violation of Rules: Violation of the provisions of these rules shall be grounds for disciplinary action up to and including termination.

Rule 2. Equal Employment Opportunity & General Provisions

SECTION 1. Access to City Services by Persons with Disabilities: The City of Kingman does not tolerate discrimination in any form against persons with disabilities and prescribes to the guidelines outlined in the Americans with Disabilities Act in order to prevent such discrimination. Facilities, programs and employment opportunities shall be readily accessible to qualified persons with disabilities. When the access needs of persons with disabilities cannot be anticipated, these needs shall be reasonably accommodated upon request. Persons with disabilities are persons who have a physical or mental impairment that substantially limits one or more major life activities, who have a record of such impairment, or who are regarded as having such impairment.

A qualified employee with a disability is an employee who has a disability as defined in this section, can satisfactorily perform the “essential functions” of a job with or without a reasonable accommodation, and meets the minimum qualifications for the position.

Essential functions of the job may be considered essential because:

1. The position exists to perform that function (e.g., a data entry operator enters data; an equipment operator operates equipment; a programmer programs; etc.); or
2. A limited number of employees are available and therefore, that job function cannot be distributed to another employee; or
3. The incumbent was hired for his or her expertise or ability to perform the highly specialized job function (e.g., environmental compliance supervisor, economic development specialist, lab technician, etc.).

A reasonable accommodation is a change or adjustment to a job or work environment that permits a qualified employee with a disability to satisfactorily perform the essential functions of a job or to enjoy the same employment benefits and privileges as those enjoyed by employees without disabilities. A specific job change or adjustment would not be required if the specific circumstances result in an undue hardship to the City.

Whenever possible, the City of Kingman will provide auxiliary aids and services to afford persons with disabilities the fullest possible participation in services, programs and employment without fundamentally altering the services, program or incurring an undue financial burden.

All requests for accommodation must be in writing and submitted to the department director and copied to the Human Resources Director.

SECTION 2. Discrimination Prohibited: The City of Kingman is an equal opportunity employer committed to applying the principles of state and federal anti-discrimination laws to give equal opportunity for all persons employed or seeking employment without regard to race, age, sex, national origin, religion, color, sexual preference, disability, or veteran status except in the case of a bona-fide occupational qualification.

Decisions on employment are based solely upon an individual's qualifications for the position being filled. Promotion decisions are made only on an individual's qualifications as related to the requirements of the position for which the person is being considered. Personnel actions such as compensation, promotions, disciplinary actions, benefits, transfers, layoffs, return from layoffs, and training are administered without regard to race, age, sex, national origin, religion, color, sexual preference, disability, or veteran status except in the case of a bona-fide occupational qualification.

The City of Kingman makes reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

The City operates within the principles of equal employment opportunity guidelines as set forth in applicable federal, state, and local laws and regulations. The City will cooperate fully with qualified organizations and commissions organized to promote fair practices and equal employment opportunity.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, Department Director, Human Resources Director or designee, City Manager, or City Attorney. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

SECTION 3. EEO Policy Statement: It is the policy of the City of Kingman to consider all qualified applicants for available positions without regard to race, color, gender, sexual orientation, religion, age, national origin, disability or veteran status. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.

The City of Kingman is committed to the EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY and as such will:

- Recruit, hire, upgrade, train and promote in all job classifications without regard to race, color, gender, sexual orientation, religion, age, national origin, disability or veteran status;
- Base employment decisions on the principles of Equal Employment Opportunity;
- Ensure that all other personnel actions such as compensation, benefits, City sponsored training, educational tuition assistance, social and recreational programs, shall be administered without regard to race, color, gender, sexual orientation, religion, age, national origin, disability or veteran status;
- Take Affirmative Action to ensure that minority group individuals, women, veterans of the Vietnam era, qualified persons with a disability and disabled veterans are not excluded from the workforce and that these employees are encouraged to aspire for promotion and are considered as promotional opportunities arise;
- Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity or opposed any act or practice made unlawful.

SECTION 4. Loyalty Oaths: All employees are required to sign a loyalty oath (Oath of Office) upon employment with the City as required by § 38-231 of the Arizona Revised Statutes.

SECTION 5. Compliance with the Immigration Reform and Control Act of 1986: All U.S. employers are responsible for completion and retention of Form I-9 for each individual they hire for employment in the United States. This includes citizens and non-citizens. Employees must present documentation establishing identity and employment eligibility. **All I-9 Forms must be completed and original documents must be presented to a City of Kingman Human Resource representative within the first three (3) working days.** Acceptable documents are listed on the back of the [Form I-9](#). Former employees who are rehired must also complete the form if they have not completed an I-9 with the City of Kingman, within the past three (3) years, or if their previous I-9 is no longer retained or valid. If proper documentation is not received within three (3) business days of the date the employee works for wages, the employee shall be terminated.

SECTION 6. Compliance with Arizona Employer Sanctions Law/Arizona Legal Workers Act: All Arizona employers must comply with use of the E-Verify program for any employee hired on/after January 1, 2008. The purpose of the E-Verify program is to determine whether Form I-9 documentation provided by the employee is valid and to verify work authorization. If the E-Verify program can not verify work authorization, the individual employee and supervisor will be notified of the Tentative Non-Confirmation in E-Verify. Human Resources will review the information with the employee and the employee must indicate in writing on an E-Verify form whether or not they choose to contest the findings. If the employee does not elect to contest the findings, the employee will be terminated. If the employee elects to contest, they will continue to work, but must contest with either Social Security Administration (SSA) or Department of Home Land Security (DHS) within eight (8) calendar days. If the results return as a confirmed, the employee will retain employment. If the results continue to be Non-Confirmed, the employee will be terminated.

SECTION 7. Residency Requirements: (Added 1/1/2012)

All emergency service employees shall maintain their principal residence within a prescribed area to ensure reasonable response time to address community needs, to maintain customer service, and respond to emergencies such as surface water flooding, fires, etc.

- A. Prescribed Area: The prescribed area shall be defined as a thirty (30) mile radius from the intersection of I-40 and Stockton Hill Road (SHR) with the following additions:
1. From I-40 and SHR interchange east/west bound for 30 miles each direction with a five (5) mile wide (2 ½ miles on each side) corridor.
 2. From I-40 and SHR interchange north/south bound for 30 miles each direction with a five (5) mile wide (2 ½ miles on each side) corridor.

The five (5) mile wide corridor is designed to limit the number of secondary roads the employee would use to access the main thoroughfare.

- B. Emergency Service Employees: Emergency service employees shall be those designated by the appropriate Department Director with approval of the City Manager and may include the following:

- Police Personnel Assigned Take Home Vehicles
- Operations Fire Department Personnel
- Streets Personnel
- Wastewater and Water Plant Personnel
- Water Distribution and Wastewater Collection Personnel
- Parks Personnel
- Building Inspectors

- C. Recruitment: All designated emergency service employees must locate their principal residence within the prescribed area within six (6) months after successfully completing their introductory period in such position.
- D. Active Employees as of January 1, 2012: Any such employee living outside the area prescribed may not relocate unless they relocate inside the prescribed area.
- E. Exceptions: Emergency service employees may request an exception by submitting a written request to their appropriate Department Director, through their immediate supervisor to the Human Resources Director who will provide a recommendation to the City Manager. The City Manager's decision is final. Exceptions will be based on limited factors.

Rule 3. Code of Ethics

Employees of the City of Kingman have the trust of citizens who depend on a high level of service. This level of trust creates a special responsibility for the employees of the City of Kingman. Because of this, employees are expected to maintain a high level of ethical standards, to act with integrity in all public relationships and to always conduct themselves in a manner, which maintains public confidence. This is accomplished by following the City of Kingman Code of Ethics.

SECTION 1. Definition: Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens.

The intent of this policy is to take a proactive approach in strengthening the emphasis on ethics and in guiding City employees in upholding them. The provisions and requirements of this policy shall apply to every person who attempts to influence government action, unless such person is clearly exempt by an expressed provision hereof.

SECTION 2. Compliance: Employees of the City of Kingman shall strive to always uphold the Constitution, laws and ordinances of the United States, State of Arizona, and the City of Kingman. Employees shall consult the City Attorney as necessary for interpretation or clarification of legal and regulatory requirements. Employees shall immediately report known or suspected violations of federal, state or local law and supply copies of all documentation in their possession to support such claims. Reports of this nature shall be made directly to the Department Director, Human Resources Director, City Manager or City Attorney. City employees shall truthfully and completely respond to supervisory inquiries, management investigations, and/or supervisory or management requests for documentation related to inquiries or investigations.

SECTION 3. Policy: It shall be the policy of the City and its employees to adhere to the highest ethical standards and principles in complete compliance with laws and regulations in the conduct of City business. Each individual employee is a representative of the City and, therefore, is responsible through his or her actions for projecting high ethical standards. Employees of the City of Kingman shall also strive to be:

- Honest and trustworthy in what they say and write and in all professional relationships;
- Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- Professional and respectful in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- Committed to accomplishing all tasks in a superior way, and abstaining from all job behaviors that may tarnish the image of the City of Kingman;
- Recognizing that public policy decisions are ultimately the responsibility of the City Council and administered by the City Manager;

- Dedicated to services to improve the quality of life in the City of Kingman.

SECTION 4. There are ten basic elements considered in this ethics policy. They are:

1. Gifts
2. Conflict of Interest
3. Conversion of City Property for Private Use
4. Use of Personal Property
5. Outside Employment
6. Political Activities
7. Use of Confidential or "Insider" Information
8. Employment of Relatives/Personal Relations
9. Criminal History Record-Current Employees
10. Ethics Officer

1. Gifts:

- A. Prohibited Gifts and Gratuities: City employees shall not 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 official conduct in any manner, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the City (e.g., a vendor, who has interests that might be substantially affected by the performance or nonperformance of the employee's duty). See ARS §38-504 and ARS §38-505. This includes both present and potential suppliers and contractors to the City and agents working on behalf of suppliers and contractors. However, a City employee may accept a gift if it is not designed to influence or induce the exercise of official conduct.
- B. Permissible Gifts and Gratuities: City employees may accept from vendors and others:
 1. Unsolicited advertising or promotional material such as pens, scratch pads, and calendars.
 2. Occasional business lunches or food and refreshments of insignificant value, \$25.00 or less.
 3. Other items of nominal values (e.g., a box of candy) that are merely tokens of appreciation and not related to any particular transaction, value must be \$25.00 or less.

An employee must determine whether the gift or gratuity is or may appear to be designed to influence his or her official conduct. Other than offering examples, see below, and implicitly suggesting some possible factors, this policy offers no formula for ascertaining the purpose of a gift.

If you have a question about the propriety of a gift or gratuity, the safest practice is to decline the gift, pay for it yourself, or seek guidance from the City Attorney's or the Human Resources office before accepting it.

Examples:

1. **A potential vendor has submitted an offer to contract with the City of Kingman. The potential vendor invites a group of City employees to a dinner paid for by the potential vendor for the purpose of discussing the vendor's contract offer. May the City employees accept the invitation?**

No. The invitation is targeted at and intended to influence the City employees' decision making.

2. **A City employee attends a conference sponsored by a City vendor or at which the City vendor has a display booth or table. The attendees include City employees as well as other vendor customers. The vendor display includes promotional items. All attendees are invited to take some. May the employee take any of the items?**

Yes. The circumstances suggest that the promotional items are not targeted at the City employees. Instead, the purpose behind the gift is to promote the vendor in general.

3. **A City employee attends a free event sponsored by a City vendor, many different people including some of the vendor's other customers are there as well. While there, the City employee enters into a raffle (which is free) in which all attendees are invited to participate. The City employee wins a valuable prize in the raffle. May the City employee accept the prize?**

Yes. The circumstances suggest that the prize is not targeted at influencing the City employee. The purpose behind the contest was to encourage people to attend rather than influencing their decision making. Further, assuming that the raffle contest was fairly administered, the chances of winning would have been equal for all people in attendance and was not targeted at any particular participant.

4. **A City employee attends a conference sponsored by a City vendor. The attendees include City employees as well as other vendor customers. At the conference, the vendor invites the City employee and a representative of another of the vendor's customers to a lunch for which the vendor will pay. May the City employee accept the invitation?**

It depends. The employee must consider whether the invitation is designed to influence the employee's decision-making. Although the inclusion of another customer may suggest that the invitation is not specifically targeted at the City employee's decision-making, the employee should still consider the overall circumstances surrounding the invitation.

- C. Tickets for Sporting or Cultural Events: City employees must be especially cautious before accepting tickets or paid admission to sporting or cultural events because there are special rules that govern gifts of that nature. Arizona Revised Statutes 41-1232.08 is commonly referred to as the "entertainment ban." The law basically provides that a City official/employee shall not accept an expenditure or

single expenditure for entertainment from a person who for compensation attempts to influence the passage or defeat of legislation, ordinances, rules, regulations, nominations and other matters that are pending or proposed or that are subject to formal approval by the corporation commission, a county board of supervisors, a city or town governing body or a school district governing board. Consequently, if a lobbyist or someone that employs a lobbyist offers a City employee a ticket to a sporting or cultural event, the safest practice is for that employee to decline to accept the ticket, to pay for it, or seek advice from the City Attorney's or Human Resources' office.

Examples:

1. **A company sponsors a golf tournament and offers free admission or participation to a City employee. May the City employee accept the invitation?**

It depends. If the company is a lobbyist or employs a lobbyist, the City employee should either decline the admission or pay for it. If the company is not a lobbyist or does not employ a lobbyist, the entertainment ban will not prohibit the City employee from accepting the free admission. However, even if the entertainment ban does not apply, the gift may be prohibited if the offer is intended to influence the City employee in the exercise of his or her official duties (see discussion above).

2. **A friend of a City employee, who works for a corporation that employs a lobbyist, offers the City employee a ticket to a Diamondback's game. Is it permissible for the City employee to accept the ticket?**

It depends. If the ticket was purchased by or will be reimbursed by the friend's employer, the City employee should either decline the ticket or pay for it. If, however, the friend purchased the ticket him or herself (not paid for or reimbursed by the employer), then the entertainment ban will not prohibit the City employee from accepting the ticket. However, even if the entertainment ban does not apply, the gift may be prohibited if the offer is intended to influence the City employee in the exercise of his or her official duties (see discussion above).

3. **A company that employs a lobbyist invites a City employee to attend a fundraiser event that will be held at an art museum. The company will pay for the admission to the event. Does the entertainment ban prohibit the City employee from accepting the invitation?**

No. The entertainment ban does not apply. The event is a fundraiser, not a sporting or cultural event. The location of the fundraiser is incidental. However, accepting the invitation may still be prohibited if the invitation is intended to influence the City employee in the exercise of his or her official duties (see discussion above).

2. Conflict of Interest:

- A. Every employee has a legal obligation under ARS §38-501 et. seq. to diligently identify, disclose, avoid and/or manage conflicts of interest. Any employee who is responsible for decisions in the selection of or participates in the recommendation and selection of any individual or business organization that furnishes merchandise, supplies, property, or services to the City will not have any direct interest with those organizations. For purposes of this section, "direct interest" is intended to include financial interest, interest by virtue of an employee's position of authority in a business or organization, or interest by virtue of a family or close interpersonal relationship.
 - B. Any employee who is responsible for making arrangements to receive loans (other than personal loans), commissions, royalties, property shares, or anything of value, will not have any direct financial interest with those organizations.
 - C. In those cases where the individual City employee may have interest in a business, organization, or individual seeking to do business with the City, the City employee must refrain from participating in a decision or recommendation that could result in a business relationship and declare a conflict of interest for that particular enterprise.
 - D. City of Kingman employees and their relatives are prohibited from participating in the bids of assessment sales or city auctions. ARS §38-501 thru §38-511 states "any public officer or employee of a public agency or their relative" cannot participate in the sale.
 - E. For the purposes of this section, relative is defined as spouse, child, child's child, parent, grandparent, brother or sister of the whole, half blood, or as legally defined and their spouses, and the parent, brother, sister, or child of a spouse, as well as, any strawman transactions whereby the employee gains possession of the property or profits from the transaction in question.
3. Conversion of City Property for Private Use:
- A. Each City Department Director is responsible and accountable for materials and equipment purchased for and used by their department. All equipment and materials are for the use of City employees for City business.
 - B. City employees will not convert City-owned equipment or materials or other City services to private use, except that City employees may utilize City services to the extent and degree that those services are offered to private citizens. City employees in that case would be obligated to pay the same fee, if any, in the same manner of the private citizen.
 - C. The City is oftentimes offered price differentials that are not offered to the public at large. City employees may not accept a price differential due to their employment by the City and may not purchase goods for their own benefit through the City purchasing process.

4. Use of Personal Property:

- A. A City employee may wish to use their own personal vehicle in the performance of their assigned work when a City vehicle is not available. Before using their personal vehicle for City business, the employee must receive approval from their immediate supervisor. Supervisors may grant blanket approval for routine personal vehicle use.
- B. When employees are authorized to use their personal vehicles for City business, they must assure the City that their vehicle is insured to at least the minimum liability insurance coverage required by Arizona law.
- C. Employees using their own vehicles for City business do so at their own risk.

The City does not provide collision or comprehensive insurance coverage to or for employee-owned vehicles. Employees authorized to use their own vehicle for City business on more than a casual basis should inform their personal insurance agent or carrier.

- D. The City will normally provide all of the necessary equipment and materials to each employee to complete their assigned job responsibilities. The employee's immediate supervisor will inform the employee of the availability of the equipment and materials, and instruct the employee in the safe operation or use of City property. If an employee elects to use their personal property for City business, it is at the risk of the employee and their personal property will not be replaced or repaired if it is lost, stolen, or damaged.

5. Outside Employment:

"Outside employment" is any business-related activity which results in reportable income to the Internal Revenue Service. Outside employment must be compatible with the full and proper discharge of the duties and responsibilities of City employment. It shall not impair the employee's capacity to perform the City duties and responsibilities in an acceptable manner.

- A. Eligibility: A supervisor may grant a Full-Time or Three-Quarter employee approval for outside employment if:
 - 1. Such outside employment has no actual or potential conflict with the employee's official duties;
 - 2. The outside employment does not require an amount of time or effort which shall prevent the rendering of good service to the City;
 - 3. Outside employment is not allowed in any eight (8) hour period immediately prior to a regular work shift for the City.
 - 4. The outside employment does not prevent the employee from performing overtime, on-call, or callback work when requested to do so.

- B. Procedure:

1. Any Full-Time or Three-Quarter City employee desiring to engage in outside employment shall submit a completed [Request for Outside Employment](#) form to their supervisor concerning the duties and the hours of employment.
 2. Permission to perform outside employment shall require prior written approval of the supervisor, Department Director, and Human Resources with a copy of the approved request filed in the employee's personnel file.
 3. It is the responsibility of the employee to report any change in the status/duties pertaining to outside employment to their supervisor. Any change in classification and/or department shall require the employee to seek a new approval for outside employment.
6. Political Activities:
- A. Generally: Arizona law, ARS §9-500.14, provides the following regarding the political activity of elected officials and employees of the City of Kingman:
 1. The City shall not use its personnel, equipment, materials, buildings or other resources such as but not limited to the intranet, internet, cable TV or publications for the purpose of influencing the outcomes of City elections. Nothing in this section precludes the City from reporting on official actions of the governing body or as otherwise allowable by law.
 2. Employees shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.
 3. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.
 - B. Prohibitions: In order to assure compliance with section A:
 1. Employees are advised that no person elected by the City may orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any City employee. Any authorized solicitations shall not be conducted during normal working hours.
 2. No City employee shall make any contribution to, or solicit or receive any contribution from, the campaign funds of any candidate for municipal office or take any part in the management, affairs or political campaign of any such candidate, but may exercise any other rights of a qualified elector.
 3. No officer, employee, or official of the City shall use any influence or pressure upon any employees to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain. No officer or employee of the City shall participate in or engage in activities connected with the campaign of any candidate for the City Council, but this restriction does not apply to the right of such officer,

employee or official to vote in municipal elections and to sign nomination papers of candidates for the City Council.

4. No employee shall use, threaten to use or attempt to use political influence for the employee or any other employee in securing any employment benefit or advantage.

C. Municipal Elections: During a municipal election, an employee may:

1. Express opinions.
2. Attend meetings for the purpose of becoming informed concerning the candidates for public office and political issues.
3. Display campaign signs on their property.
4. Vote and sign nomination or recall petitions for candidates.
5. Not identify themselves as a City employee or wear a City uniform when campaigning for a candidate.
6. Display bumper stickers related to municipal elections as long as it is not on a City vehicle and the vehicle is parked in a legal parking space that is not in a City owned parking lot.

D. County, State and National Elections:

1. During county, state or national elections an employee may:
 - a. Express opinions.
 - b. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
 - c. Display campaign signs on their property.
 - d. Vote and sign nomination and recall petitions for candidates.
 - e. Display bumper stickers for a candidate as long as it is not on a City vehicle.
 - f. Solicit contributions for candidates.
 - g. Give their money, time and energy to candidates.
 - h. Distribute official materials for candidates.
2. During any municipal, county, state, or national election an employee may not:
 - a. Use City equipment such as a fax, telephone, email, or any other city resources for campaigning purposes.
 - b. Work on a campaign during work hours or on City property.
 - c. Identify themselves as a City employee or wear a City uniform when campaigning for a candidate.
 - d. Distribute election material on City property or in their capacity as a City employee.

E. Candidacy for Elected Office:

1. **Municipal Office:** No paid City employee shall seek election to public office with the City of Kingman while still employed by the City.
 2. **Candidacy for Non-City Elected Office:** Any City of Kingman employee may run for, and hold, a non-partisan or partisan county, state, or federal elected office. Such activity shall not influence or interfere with the performance of the employee's official duties. Special rules apply for City employees whose principal job is in connection with an activity wholly or partly funded by federal loans or grants. See E. 3. below:
 3. **Candidacy for Partisan Elected Office:** The Federal Hatch Act prohibits any candidacy for partisan elective office by any officer or employee of the City whose principal job is in connection with an activity wholly or partly funded by federal loans or grants. Any employee wishing to run for partisan elective office must resign upon filing nomination papers.
 4. **Elected to Non-Partisan or Partisan Office:** Any City employee may hold a non-city, non-partisan or partisan elective office provided the employee has received approval for outside employment. Such activity shall not influence or interfere with the performance of the employee's official duties. However, employees elected to the office of County Board of Supervisors, Federal or State legislative office, or any elective office considered full-time shall resign from City employment prior to taking the oath of office of such elected office.
7. **Use of Confidential or "Insider" Information:**
Occasionally City employees are made aware of information which has not been released to the general public for a variety of reasons. This information could sometimes be used for financial investment, competitive advantage, or other purposes which might work to the advantage or disadvantage of others. It is improper for an employee to use any such information gained as a result of her/his employment with the City for purposes of personal investment or gain or to inform others who might benefit from such information until after the information has been made available to the general public. Questions of judgment in this area should be discussed with the employee's supervisor and department director, and subsequent actions should be documented in writing.
8. **Employment of Relatives/Personal Relationships:**
- A. **Employment of Relatives:**
 1. No person shall be employed in a position where they are the immediate supervisor of a close relative.
 2. No employee shall participate in any decision concerning appointment, compensation, work assignments, approval of work, or disciplinary actions of a close relative.
 3. Additionally, close relatives shall not be employed in the same department without a signed request from the employee, a written recommendation by the Department Director, and approval by the City Manager.
 4. Immediate family members of elected officials will not be hired.

5. Exception: Relatives of employees can apply and compete for summer/seasonal employment so long as the employment relationship does not last more than ninety (90) days.
6. Responsibility: It is the responsibility of an applicant who has accepted employment with the City of Kingman to disclose relationships that meet this policy. It is the responsibility of employees to disclose relationships that meet this policy.
7. For the purposes of this section, close relative is defined as spouse, child, child's child, parent, grandparent, brother or sister of the whole, half blood, or as legally defined and their spouses and the parent, brother, sister, or child of a spouse or as legally defined. Additionally, this definition is expanded to include individuals who are cohabitating.

B. Personal Relationships:

The City has no desire to become involved in the personal lives of employees. Employee personal relationships, whether involving other employees, family members, or other individuals, on their personal time and off City property are outside the City's area of responsibility. However the City will become involved and will take appropriate action if:

- Problems resulting from such relationships manifest themselves on the job; or
- A supervisor engages in such a relationship with a subordinate who reports directly and immediately to him/her, or the involved supervisor has influence over the other's employment, promotion, salary administration, or other relevant management or personnel considerations.

C. Transfer, Termination, Demotion:

At a minimum, a transfer will probably result from those instances where the relationship of employees meets this policy. The City Manager shall order the transfer as provided in [Rule 4. Section 6. Internal Recruitment](#). The transfer shall be made as soon as possible, but no later than ninety (90) calendar days after the situation is brought about. If there is no vacant position to which to transfer within ninety (90) calendar days, one of the employees must resign or be involuntarily terminated. Depending on the circumstances, other actions, such as demotion or disciplinary action may be necessary. In all cases of employment with the City, the City reserves the right to transfer or reassign any employee at any time with cause or without cause.

D. Definition of a close relative is defined as:

- | | |
|---|--------------------------------------|
| Spouse | Parent (blood, in-law & step) |
| Child (blood, adopted, step, in-law) | Sister (blood, in-law, half & step) |
| Grandparent (blood, in-law & step) | Brother (blood, in-law, half & step) |
| Grandchild (blood & step) | Nephew |
| Aunt | Niece |
| Uncle | Cohabiting individuals |
| Or any of these categories as legally defined | |

9. Criminal History Record-Current Employees:

Current employees are required to report whether they have been convicted, received deferred adjudication, or entered a guilty plea or nolo contendere for any felony or misdemeanor to their supervisor and the Human Resources Director within ten (10) business days of receiving such outcome. For those employees holding positions that require a valid drivers license or Commercial Driver's License (CDL), see Rule 10. Driver's Licenses for reporting requirements.

10. Ethics Officers:

A. The City designates the City Manager, City Attorney, and Human Resources Director as the Ethics Officers. The mission of the Ethics Officers is to encourage each City employee to act ethically in all actions. This mission requires that the Ethics Officers not only encourage, assist and support compliance with various laws, but more importantly, encourage each employee to adhere to the highest standards of ethical behavior as set forth in this policy. In pursuing that broad mission, the duties of the Ethics Officers include, but are not limited to the following:

- Develop policies, programs and strategies to deal with all ethics-related matters;
- Develop ethics training and education programs;
- Encourage compliance with the spirit and letter of ethics laws;
- Investigates complaints of unethical acts made against City employees;
- Review periodically this policy and other applicable laws and regulations and make appropriate changes to this policy as needed.

B. The City Manager may appoint an internal ethics committee to investigate ethical matters and/or complaints further. In these situations, the internal ethics committee will report their findings to the City Manager.

This Code of Ethics requires hard work, courage and difficult choices. In the long run, however, employees and citizens will always be better served by doing what is right than what is expedient.

Rule 4. Recruitment and Selection

Recruitment efforts shall be planned and carried out in a manner that assures open competition. Development and implementation of recruitment plans shall be a cooperative venture between departments and Human Resources and shall be based on projected workforce needs and labor market conditions, as well as the need for recruitment of minorities, women, and other groups where there is under-representation in the City's workforce.

SECTION 1. Vacancies: When a vacancy occurs, the department shall notify the Human Resources department by sending a [Request to Fill Vacancy](#) form. The request must be approved by the City Manager. The Human Resources department will verify the information, check for a current eligibility list, and consider any special circumstances.

SECTION 2. Recruitment Strategy: Human Resources will meet with department representative(s) to determine the steps in the recruitment and selection process and devise a recruitment plan. The position will be reviewed and analyzed to make sure the job description is current and reflects the current requirements of the position.

The Human Resources department will advise departments on advertising and outreach approaches to insure a diverse applicant pool. Labor market conditions and/or any special requirements of the position will determine recruiting sources to be used, and the recruitment time period.

SECTION 3. Non-Classified Appointments: Vacancies in the non-classified service of Part-Time A may utilize the internal recruitment process. All other non-classified service vacancies shall be filled by public recruitment process.

SECTION 4. Classified Appointments: All vacancies in the classified service shall be filled by internal recruitment, transfer, demotion, promotion, rehire, or from current eligible employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made.

SECTION 5. Public Recruitment: Unless otherwise allowed under these Rules, the City will use public announcements to recruit for all vacancies.

SECTION 6. Internal Recruitment: Internal means an employee existing on the City's payroll at the time of the vacancy. Positions identified by Human Resources as entry level, seasonal, temporary, hard to fill, or FLSA exempt positions are exempt from the internal recruitment process. For all other vacancies, departments are encouraged to recruit internally. Internal City announcements shall be in place a minimum of three (3) business days. The Internal recruitment process also includes appointments using any one of the following methods:

- A. **Transfer:** A person may be transferred to a position for which they possess the qualifications. If the transfer involves a change from one department to another, both department directors must consent thereto unless the City Manager orders the transfer for

purposes of economy or efficiency. Transfers shall not be used to effectuate promotion or demotion, which may be accomplished only as provided in these rules.

- B. Promotion: Insofar as consistent with the best interests of the City, vacancies shall be filled by promotion from within. If, in the opinion of the City Manager, a vacancy could be filled better by an open recruitment instead of promotion, then he/she shall arrange for such recruitment and examination for the preparation of an employment list.

Employees who successfully promote may receive a maximum of a 10% increase by a combination of a lump sum payment and/or placed on a step within the pay range whichever is greater, as provided by [Rule 7. Compensation Plan](#).

- C. Demotion: The City Manager may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes. Written notice of the demotion shall be given the employee before or within three (3) days after the effective date of the demotion.
- D. Rehire: With the approval of the City Manager and the department director concerned, an employee who has resigned with a good record may be rehired within one year of the effective date of resignation to a vacant position in the same or comparable class. All rehires must have separated service with the City of Kingman for more than thirty (30) days. Upon rehire, the employee, for all purposes, shall be considered as though he/she had received an original appointment.
- E. Reduction In Force (RIF): When in the best interest of the City, the City Manager may enact a RIF. Employees affected by a RIF will have an opportunity to apply for a vacant position being recruited for during the active RIF period. When more than one RIF employee has applied and are qualified, the appointment will be made giving consideration to seniority.
- F. Reinstatement: When there are laid-off employees, due to a RIF, who are eligible for reinstatement to the requesting department, Human Resources shall provide the department with a listing of names of those employees who were laid off from that department and who meet the minimum qualifications for that position. The department must appoint from this list in seniority order, unless the employee(s) denies reinstatement.
- G. Reassignment: The City Manager may offer an employee a reassignment non-competitively if Human Resources determines that the employee is a qualified individual with a disability, who is seeking reassignment to a position for which he/she is qualified, as an accommodation for his/her disability.
- H. Emergency Appointments: In the event of an emergency, the City Manager may select and appoint persons without regard to the policies and procedures governing appointments, but in no case will such emergency appointments continue longer than one hundred-eighty (180) days nor will it be renewed after one hundred-eighty (180) days by

successive appointment of the same person without initiating an active recruitment as specified within these rules.

SECTION 7. Applicant for Employment: An applicant for employment must be at least eighteen (18) years of age by the date of hire and must be able to perform the essential functions and duties of the position, with or without reasonable accommodation. Following an announcement of vacancy, the Human Resources department will provide application forms to all those who request them. Applications will not be given out for positions where vacancies do not exist. All applications must be filed with the City of Kingman Human Resources department by the filing deadline date and time.

SECTION 8. Applicant for Seasonal Recreation Programs/Student Interns: An applicant for employment in this category must be at least sixteen (16) years of age by the date of hire. The City of Kingman intends to follow Arizona and federal youth employment laws, ARS 23-230 et al and 29 USC §201 et seq.; 29 CFR Parts 570 to 580 respectively. Generally, any employee whose work involves operating motorized/hazardous equipment or handling chemicals must be eighteen (18) years of age. Employees sixteen (16) and seventeen (17) years old may perform any non-hazardous job for unlimited hours. Employees eighteen (18) years or over may perform any job, whether hazardous or not, for unlimited hours. There is no distinction between adults and youth when it comes to minimum wage, overtime, and safety requirements. See classifications exempt from overtime for seasonal employment in Section 15 of [Rule 7. Compensation Plan.](#)

SECTION 9. Preference Points: When an applicant for initial hire submits a [Request for Award of Preference Points Form](#), preference points shall be applied in accordance with Arizona Revised Statutes (ARS § 38-492). Veteran's preference shall be granted in compliance with federal law and state statute. Disabled preference shall be granted in accordance with state law. Preference points will be awarded during the pre-certification process to applicants who have received a passing score on an employment application. Preference points allow eligible applicants additional opportunity to be interviewed or otherwise reviewed by the hiring department for an initial appointment and will not be used to displace otherwise qualified candidates.

- A. **Veteran (5 points):** A veteran of the Armed Forces of the United States separated under honorable conditions following more than six months of active duty shall be awarded five (5) preference points.
- B. **Spouse or Surviving Spouse (5 points):** A spouse or surviving spouse of any of the following:
 - Any veteran who died of a service-connected disability.
 - A person who has a total, permanent disability resulting from a service-connected disability or any person who died while such a disability was in existence

- Any member of the Armed Forces serving on active duty who at the time of application is listed by the Secretary of Defense of the United States in any of the following categories for not less than ninety days:
 1. Missing in action.
 2. Captured in the line of duty by a hostile force.
 3. Forcibly detained or interned in the line of duty by a foreign government of power.
- C. Disabled Applicants (5 points): Anyone who has a physical or mental impairment which substantially limits one or more of his major life activities or has a record of such impairment or is regarded as having such impairment. An applicant requesting to receive preference points must have their medical authority submit certification as outlined in the statutes. Definition of disability:
- “Disabled person” means, with respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.
 - “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
 - “Physical or mental impairment” means:
 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.
 2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
- D. Disabled Veterans (10 points): A total of ten (10) preference points shall be awarded to an honorably separated veteran who served on active duty in the Armed Forces at any time and who has a service-connected disability and is receiving compensation or disability retirement benefits under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Public Health Service.
- If an applicant for initial employment feels they may qualify on one or more of the four categories, a completed disclosure form and/or appropriate Veteran category documentation listed below must be include in the application packet by the recruitment deadline date and time.
 - Verification of:
 1. Certification of category Veteran requires verification of DD Form 214 or other acceptable proof.

2. Certification of category Disabled Veteran or Veteran's Spouse may be obtained from the VA Regional Office or at Veterans Services Offices of the Arizona Department of Economic Security. The VA Claim Number must be furnished by you.
3. Certification of category Disabled Person: We will verify the information you provide through the medical authority you indicate on the claim form.

A maximum of ten (10) preference points will be applied to your final score, but only if you earn a passing grade without preference. Current employees are not eligible. Preference Points will be added when the required documentation/ verification has been received by the Human Resources department.

SECTION 10. Employment Applications:

- A. Official Forms: All employment applications shall be on forms provided by Human Resources.
- B. Filing Applications:
 1. Internal and Public Applications and applicable required supplemental forms must be complete and received at Human Resources or as designated in the announcement on or before the final filing date/time specified in the recruitment advertisement. Applications for continuous recruitment classifications may be filed at any time.
 2. Applicants shall submit such documents or supplemental information as required by Human Resources to verify and evaluate the applicant's qualifications and background.
 3. Acceptance and/or issuance of an application form shall not be construed as incurring an obligation by the City.
- C. Disqualification of Applicants: (amended 11/1/12) Human Resources may refuse to examine an applicant, or, after the selection process, may disqualify an applicant, remove an application, or refuse to certify an applicant if it is found that the applicant:
 1. Does not meet the minimum qualifications established for the classification;
 2. Has made a false statement of material fact in the application process;
 3. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in City employment;
 4. Has directly or indirectly obtained information regarding any examination to which the applicant is not entitled;
 5. Has failed to submit the completed application correctly or within the prescribed time limits;

6. Has taken part in the compilation, administration, or any part of the selection process in which he/she is competing;
7. Has previously been dismissed for a disciplinary reason, or resigned in lieu of dismissal, from a position in City employment;
8. Has failed to appear for a scheduled examination or interview;
9. Has failed any phase of the selection process;
10. Has been determined by Human Resources to be unsuitable for employment for any job-related reason;
11. Or otherwise has violated the provisions of the federal, state, local, or the City Personnel Policy.

SECTION 11. Retirees Returning to Work: (amended 11/1/12) Returning retirees may wish to research ASRS/APSRS restrictions for return to work.

Retirees wishing to return to work are not guaranteed the employee will be rehired. He/she can not be rehired within the first thirty (30) days following retirement and must make application for a vacant position the City is actively recruiting. If hired, the retired employee will begin employment as if it were an original appointment

SECTION 12. Pre-Certification Process: All applicants will be evaluated and scores combined using one or any combination of the following examinations:

- Application Review;
 - Education, training and experience;
 - Oral board interview; and/or
 - Written examination; and/or
 - Performance test; and/or
 - Any other applicable recruitment and selection examination.
1. All examinations, evaluations, ratings and other selection processes or items shall be rated impartially.
 2. In no case shall admittance to the examination process constitute assurance of a passing rating on any aspect of the examination process.
 3. All preference points shall be applied during the pre-certification process.
 4. Human Resources shall utilize professionally accepted principles and methods to ensure that examinations meet acceptable standards of validity and reliability.
 5. The hiring Department, in consultation with Human Resources, shall determine the minimum rating which must be attained by an applicant in order to be placed in an application file or compete in the next phase of the selection process.
 6. Human Resources may limit the number of applicants accepted to an examination.

7. Unless otherwise provided in these Rules, an applicant who has failed a written test may not take the same test within a period of ninety (90) days.
8. Passing scores of a written examination are good for a period of six (6) months from the date of the passed examination.

SECTION 13. Retention of Recruitment and Selection Records: The Human Resources department shall keep files of applicants examined, including dates, scores, rankings and other documentation pertaining to the results of the recruitment and selection process, as required by law.

SECTION 14. Employment Eligibility Lists: As soon as possible after the completion of an examination, Human Resources may prepare and keep available an employment list consisting of the names of candidates who qualified in the recruitment and examination process, arranged in order of final scores or rank from the highest to the lowest qualifying score.

SECTION 15. Duration of Lists: Employment lists may remain in effect for six (6) months, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Human Resources/Risk Management Director for additional periods, but in no event shall an employment list remain in effect for more than one year.

SECTION 16. Candidate Travel Expenses: The City may pay travel expenses incurred by prospective employees for interviewing purposes with advance approval of the City Manager or designee. Such expenses may include travel, lodging, rental, mileage, or other pre-defined expenses incurred in the process of attending the interview.

SECTION 17. Reference and Background Checks: (amended 11/1/12) All background checks will be conducted in compliance with standards set forth by the Fair Credit Reporting Act of 1997.

- A. The Human Resources department shall conduct background and reference checks on all applicants that are being considered for hire, as well as, for volunteers and 1099 Independent Contractors who will have unsupervised contact with children. Human Resources will assist the Kingman Police Department (KPD) and Municipal Court with reference and background checks with their new hires.
- B. Required education and professional certifications will be verified through the granting agencies.
- C. Prior to making a job offer, the hiring department shall consult with the Human Resources department to discuss the selection, starting date, salary offers, etc. All background, reference, and testing information must be reviewed and confirmed by the Human Resources department before an offer will be made.
- D. After a conditional offer of employment has been made and accepted, all employees, volunteers, and eligible 1099 contractors will be fingerprinted to have a review of the criminal history record provided by the Arizona Department of Public Safety and the

Federal Bureau of Investigation. This will require that each individual, with the exception of KPD and Municipal Court employees, submit to being fingerprinted by the City's Human Resources department. If an employee, volunteer or eligible 1099 contractor incurs a break in service, is rehired or a seasonal employee is returned from leave of absence of three (3) months or more, the individual is required to undergo fingerprinting again. The City of Kingman, through submittal of fingerprints for review of the criminal history record, conducts their own criminal history review whereby, the City of Kingman does not accept any forms of documentation that an individual holds security or background clearance from another entity.

- a. Criminal Convictions: The existence of a conviction does not automatically disqualify a candidate from employment. In considering whether to hire an applicant, the City will consider factors that include, but are not limited to:
 - i. The nature and number of convictions.
 - ii. The dates of convictions.
 - iii. Whether the offense was committed as a minor for which proceedings were held under the jurisdiction of a juvenile or an adult court.
 - iv. The relationship between the criminal offense and duties and responsibilities of the position.
 - v. The risk to the safety and welfare of employees, the general public, or property.
 - b. Pending Criminal Charges: If the City becomes aware of that the candidate has criminal charges that are currently pending, but no court disposition has yet been made, the City shall assess the criminal charges on a case-by-case basis to determine if the charges are job related and what impact, if any, such should have on the contingent job offer.
- E. Pre-employment drug/alcohol screens, if required, see [Rule 11. Drug Free Workplace](#).
- F. For those positions that require medical screening to obtain certification to perform the job, employment status will be contingent upon successful completion of a medical examination at the City's sole cost and by a physician selected by the City. In addition, the appointment of sworn police officers and communication specialists personnel shall be contingent upon successful completion of a psychological examination.
- G. All employees in the police department and communications specialists in the fire department will be required to successfully pass a polygraph test prior to employment with the City. All polygraph tests will be administered within the police department guidelines.
- H. Employees who are in financially sensitive positions, sworn police officers, and financial services personnel, may be required to authorize the City to perform a review of their credit history. All credit checks will be conducted in compliance with standards set by the Fair Credit Reporting Act of 1997. Credit history shall be considered in conjunction with all other factors disclosed by the background check process and shall not be the sole determining factor in denying employment.

- I. Since all City employees are subject to operating a City vehicle, a motor vehicle record check shall be conducted on all employees, and periodically thereafter. No one shall be allowed to drive a City vehicle whose MVR indicates:
- a. Eight (8) points or more in the previous 60 months. Points are shown in the current MVD Acceptable Violation Code Table.
 - b. More than two (2) chargeable accidents within the previous 60 months.
 - c. A conviction of driving under the influence within the previous 60 months.
 - d. License has been cancelled, refused, revoked, suspended, or restricted as a direct result of a moving violation received within the previous 60 months.
 - e. A current cancellation, expiration, refusal, revocation, suspension, or restriction that affects the applicant's/employee's ability to drive on City business.
 - f. Other factors such as a pending DUI charge are considered in determining if the applicant's/employee's driving records is permissible.
 - g. Out of state applicant's, or applicant's who have resided in Arizona less than 60 months, are required to furnish a copy of their driver's record prior to their start date.

SECTION 18. Personnel Action Form: After consultation with the Human Resources Director, the department director will make the final determination of fitness for employment based on results of pre-employment examinations. The hiring department will initiate a [Personnel Action](#) form at least five (5) business days PRIOR to the start date of the employee.

SECTION 19. New Hire Orientation: All newly hired classified, non-classified, and volunteer employees are required to attend new employee orientation following their date of hire as scheduled by Human Resources. The department must make accommodations to insure newly hired employees and volunteers attend orientation.

SECTION 20. Leased Agency Staffing: The requisitioning department shall contact Human Resources and Human Resources will place the order with the leasing agency. The department shall inform Human Resources the type of skills needed and the number of leased employees requested. All leased employees MUST meet with Human Resources before or the morning of their reporting to the work site. Human Resources will conduct criminal background checks on all Leased employees. The Agency will conduct drug screening. It is the responsibility of the requisitioning department to send the leased staff to Human Resources for fingerprinting before the leased staff member is sent to the job site.

SECTION 21. Required Documentation: New hire paperwork must be carefully reviewed and completed within three (3) days of the start of employment. All required new hire paperwork will be completed in the Human Resources department. Departments must make arrangements for newly hired employees to meet with Human Resources within three (3) days of their start date.

SECTION 22. Returning Recruitment Materials to Human Resources Department: All recruitment and testing materials, including interview questions and rating forms, must be returned to the Human Resources department after the position has been filled. All applications

will be returned to the Human Resources department. The application of the selected applicant must be returned to Human Resources. Departments must handle all documentation in a confidential matter protecting the privacy of the applicant's personal information.

SECTION 23. Employment of Relatives: (Added 7/1/13) While the City of Kingman does not discourage the employment of relatives, in accordance with ARS 38-481 and City of Kingman Rule 3, Section 4.8 – Employment of Relatives/Personal Relationships, the City of Kingman will not employ close family members to work under the direct supervision of another family member (as defined under Rule 3. Sec 4.8).

Additionally, the City will not permit the employment of close family members in the same department, where upon review by the department director, in consultation with the Human Resources Director and/or City Manager, determines the efficiency, morale or effective administration of the department's operation will be adversely affected. The City Manager shall render final determination. It is important to note that some positions with regard to employment of relatives may be reviewed for appropriateness for placement on a city-wide employment basis.

Rule 5. Types of Appointments

SECTION 1. Contractual Positions: A contractual position is one in which an employee receives compensation and other possible benefits as provided for an individual contract negotiated between the employee and the City. Specific contractual positions within the City include: City Manager, City Attorney, and City Magistrate.

SECTION 2. Classified Positions: Classified positions are covered by the employment provisions of the City policies dealing with grievances and appeals of employment, and are eligible for the City's benefit package.

SECTION 3. Non-Classified Positions: Non-Classified positions are "at will" positions. Non-Classified employees are ineligible for appeal of employment rights and serve at the pleasure of the appointing authority. Their employment may be terminated at any time.

SECTION 4. Employee: (Amended 7/1/13) A person employed by the City of Kingman, except elected officials, and falling into one of the following categories:

With the implementation to the Affordable Care Act, the City of Kingman has determined adjustments in the maximum number of hours assigned to part-time and seasonal employee appointments to positions is necessary. Part-time employee hours are capped at a maximum allowable of 24 hours to be worked in a work week and for seasonal appointments per year, employees are required to be assigned to either a schedule of ≤ 24 hours per week or a consecutive period of employment of no more than 90 days each season (one season per year – i.e., May 20 – August 20). Department Directors are to ensure adherence to required part-time hours of work maximums established herein to ensure penalties are not assessed to the City of Kingman under the provisions defined by the Affordable Care Act.

- A. "Full-Time" – is a Classified Position. Regular full time employees are those who are not in Non-Classified Positions and who are not in an Introductory Status. Employees in this category are expected to work a full schedule, i.e. 2080 hours annually or 2756 for operations fire personnel. Employees in this category are eligible for the City's benefit package.
- B. "Three-Quarter" – is a Classified Position. Regular Three-Quarter employees are those who are not in Non-Classified Positions and who are not in an Introductory Status. Employees in this category are expected to work a minimum of 30 hours but less than 40 hours per week and are eligible for the City's benefit package and pro-rated leave benefits.
- C. "Part-Time A" – is a Non-Classified Position. Regular Part-Time A employees are those who are regularly scheduled to work a minimum of 20 hours not to exceed 24 hours per week. While employees in this category are not eligible for benefits, employees in this category may receive pro-rated holiday, vacation, sick, and bereavement leave. They are also subject to ASRS membership and contributions; however, have no due process or appeal rights.

- D. "Part-Time B" – is a Non-Classified Position. Regular Part-Time B employees are expected to work less than 20 hours per week. Employees in this category are not eligible for any City benefits and have no due process or appeal rights.
- E. "Seasonal; Temporary; or Relief (Sick/Vacation)" – these are Non-Classified Positions. These positions are temporary and limited in duration. Employees in this category are not eligible for any City benefits and have no due process or appeal rights. Employees are required to be assigned to either a schedule of ≤24 hours per week or a consecutive period of employment of no more than 90 days each season (one season per year – i.e., May 20 – August 20).

SECTION 5. Underfill Appointments: When no qualified applicants are available, a position may be filled at a lower related job classification within the same job family. When that employee has completed the training and/or meets the original requirements of the position, the employee may be reclassified to the original job classification upon recommendation of the Department Director and approval of the City Manager. For budget purposes, the original job classification will be listed on the FTE breakdown.

SECTION 6. Provisional Appointment: In the absence of there being an individual on an appropriate employment list who is willing to accept appointment, a provisional appointment may be made by the department director, with prior approval by Human Resources, of a person meeting the minimum training and experience qualifications for the position.

SECTION 7. Volunteers: Non-exempt City employees shall not perform hours of volunteer service for the City of Kingman when the volunteer hours involve the "same type of services" (as defined by the Fair Labor Standards Act) for which the individual is currently employed to perform. See [Rule 26. Volunteers](#) for more information regarding the City's Volunteer program.

SECTION 8. 1099 Independent Contractor: An employee cannot be hired as an independent contractor.

Rule 6. Classification Plan & Introductory Periods

SECTION 1. Nature of Classification Plan: The Classification System, as approved and adopted by the City Council, shall include for each classification an appropriate job title which shall be used in all financial and personnel documents. Human Resources shall maintain the official class specifications in the Classification System. Upon recommendation of the Human Resources Director and Compensation Committee, the City Manager may establish new classifications, divide, combine, alter or abolish existing classifications. Revisions to a classification specification or job description may be initiated in writing by any employee, through their supervisor and department director, to be reviewed by the Compensation Committee for recommendation to the City Manager.

SECTION 2. Types of Classifications: At the time an individual begins employment with the City he/she shall be designated exempt or nonexempt in accordance with the Fair Labor Standards Act (FLSA). Unpaid trainees, independent contractors, and volunteers such as board and commission members, and volunteers in various departments such as: police, parks and recreation, and public works shall be excluded from this process because they are not employees of the City.

- A. Exempt Employees: Executive, administrative, or professional employees who meet the criteria established by the FLSA as amended, are exempt from overtime pay. Notwithstanding any other provision of these Personnel Rules or any other policy of the City of Kingman, all executive, administrative and professional employees shall receive a salary that is not subject to deduction for absences of less than one (1) day unless those absences are covered by the Federal Unpaid Family and Medical Leave Act (FMLA) or unless the deduction is a penalty or disciplinary measure taken for infractions of safety rules of major significance.
- B. Nonexempt Employees: Nonexempt employees are paid employees who do not meet the FLSA criteria for exempt employees. Individuals in these positions must be compensated at time and one-half their regular rate of pay for all hours worked in excess of the 40 within the designated seven-day work period, or for non-exempt shift fire personnel, in all hours worked in excess of 212 within a 28 day work period. Nonexempt employees shall be compensated for overtime in accordance with [Rule 7. Compensation Plan](#).

SECTION 3. Position Allocation: Every position in the classified service shall be assigned to an appropriate classification by the Compensation Committee, after consultation with the department director. The assignment of a classification shall be determined by the duties and responsibilities of the position. Positions shall be assigned the same classification if they meet the following requirements:

- A. Sufficient similarity with respect to duties and responsibilities;
- B. Substantially the same requirements as to training and experience, knowledge and ability;

C. Substantially the same test of fitness; and

D. The same schedule of compensation.

SECTION 4. Job Descriptions: Job descriptions for all classifications provide distinguishing features of the class, examples of work performed, desirable training and experience, and other requirements deemed necessary to successfully complete the desired tasks. The language of job descriptions is not all inclusive and shall not be construed as limiting or modifying the ability which supervisors have to add or delete duties and responsibilities, so long as such changes fall within the general guidelines of the classification involved. Changes in the duties and responsibilities of an employee which are not within the general guidelines of the classification must be reported to Human Resources. Positions requiring special licensing or requirements shall include such a statement. Human Resources retains copies of current job descriptions.

SECTION 5. New Classifications or Reclassifications: (amended 11/1/12) New and modified position classifications are established upon approval by the City Manager. Requests for new or reclassification of a position classification shall be submitted to the Human Resources Director using the Classification Request New/Reclassification Form. Department directors then send a description of the duties and responsibilities and recommended pay range for the position to the Human Resources Director. The Human Resources Director assists the department with development of a job description then forwards the information to the Compensation Committee who assigns or reassigns the position to a salary grade within the compensation plan.

SECTION 6. Introductory Periods: (Amended 7/1/13) All original and promotional appointments for Classified positions shall be tentative and subject to the established introductory period. The introductory period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position.

Introductory periods shall consist of six (6) months from the hire date of all Classified employees. All newly hired uniformed fire and sworn police personnel shall have an introductory period of one (1) year from hire date or following POST Academy graduation, if applicable. All newly hire Communications Specialists shall have an introductory period of six (6) months upon completion of the Communications Training Program.

SECTION 7. Introductory Period following Transfers, Promotions, Demotions and Reduction-in-Force (RIFs): Employees will be placed on introductory status with the benefits of sick and vacation privileges when ever there is a change in employment status. All introductory rules apply to transfers, promotions, demotions, and RIFs (wherein a job classification change has occurred).

SECTION 8. Introductory Discharge: During any introductory period, an employee may be discharged at any time by the appointing power, after consultation with Human Resources, without cause and without right of appeal or hearing. During the introductory period following a promotion, an employee may be demoted to his/her former status, (if a vacant position exists to

return to), without cause and without right of appeal or hearing. Any notification of discharge in writing shall be forwarded to the employee and a copy filed with the employee's personnel file.

SECTION 9. Introductory Period Credit: Introductory period credit maybe granted, by approval of the Department Director with written justification, only for continuous, full-time service in the classification to which appointed. In no case shall the introductory period credit received exceed the number of hours worked in that classification.

SECTION 10. Extension of Introductory Period: If an employee uses more than forty (40) consecutive working hours of leave, is placed on any other leave, or is placed on restricted or limited duty status due to a work related or non-work related injury occurring during the introductory period, the introductory period shall be adjusted for a period equal to the number of hours of leave used or the number of days on restricted or limited duty. Employees on introductory status may have their introductory period extended due to performance concerns identified in their performance evaluation. An extension of the introductory period for work related performance deficiency should not be extended beyond ninety (90) days.

SECTION 11. Completion of Introductory Period: The completion of the introductory period shall be indicated by the supervisor completing a written evaluation of the employee's performance. Should a classified employee successfully complete their introductory period, the employee shall achieve due process rights. Should the employee not successfully complete their introductory period, the employee will be terminated without rights of appeal. The completion of introductory period shall be signified by a [Personnel Action](#) form initiated by the department supervisor, the written evaluation shall accompany the Personnel Action form. Completion of an employee's introductory period shall not be considered automatic and shall not occur by default.

Rule 7. Compensation Plan

SECTION 1. Classification and Compensation Philosophy: With the adoption of Resolution #4062, the Council adopted a Classification and Compensation Philosophy recognizing the need to recruit and retain highly talented staff to be able to excel the mission and achieve the strategic goals set by Council.

The guiding principles of the philosophy include designing broad job classifications, internal comparisons, external market competitiveness, and salary ranges to be set by size and shape of the ranges determined by market data. The target is to place the midpoint of the salary ranges at the 50th percentile for similar work performed in defined labor markets.

The City Manager establishes guidelines for salary increases. Classification and Compensation is an administrative decision and is not subject to appeal grievance or appeal to the Personnel Board.

SECTION 2. Salary Structure Maintenance: The salary structure should be adjusted each year by the December to December per unit labor cost trends as reported by Bureau of Labor Statistics. To maintain market competitiveness, every two years the City may conduct a comprehensive market compensation study.

SECTION 3. Plan: The City's Compensation system includes a Performance Step Plan designed to provide salary increases based upon performance.

SECTION 4. Salary Structure: The salary structure consists of numbered salary ranges. Each classification in the Classification Plan is assigned a range. The range assignment is determined by taking into consideration the relative level of knowledge, skills, decision making, complexity, accountability, responsibilities, and market among other variables. The pay structure includes five percent (5%) between classifications with range spreads varying based on market factors. Since employees tend to reach maximum competence more quickly in the in the lower classifications, the structure includes narrow ranges beginning at salary grade 201 and progressively broadens to salary grade 229.

SECTION 5. Pay Progression: Employees will be compensated using a Performance Step Plan. Movement from one step to another step is contingent upon an employee's performance evaluation and is subject to the City's ability to financially provide. An overall rating of Unacceptable or Needs Improvement results in no step increase.

SECTION 6. Reclassifications: If there is a significant change in an employee's job duties and responsibilities, the knowledge, skills and abilities of a classification, or based on market or internal alignment, the Compensation Committee may reclassify an employee's position with City Manager approval.

Employees occupying a position that has been reclassified to a higher salary range shall be placed as close to their current salary or at the minimum of the new range, whichever is higher.

Employees occupying a position that has been reclassified to a lower salary range shall have their salary frozen if the new salary range maximum is lower than their current salary. The employee shall receive no salary increases until the new salary range maximum is higher than the employee's salary.

SECTION 7. Salary Range Adjustments: Employees occupying a position whose salary range has been adjusted to a range with a higher salary range maximum do not receive an increase unless the employee's current rate of pay is lower than the minimum of the new salary range. Employees occupying a position whose salary range has been adjusted to a range with a lower salary range maximum shall have their salary frozen if the new salary range maximum is lower than their current salary. The employee shall receive no salary increases until the new salary range maximum is higher than the employee's salary.

SECTION 8. End of Introductory Period: There shall be no provision within these Rules that provide for a guarantee of an end of introductory period salary increase. Upon successful completion of the introductory period, a supervisor may recommend the employee's salary be increase, be withheld, or be postponed based on their level of performance. All salary increase recommendations are based upon available budgeted funds and resulting salary relationship with other employees in similar positions.

In cases where a merit salary increase for the end of introductory period is approved, the timing will depend on the date of the end of the introductory period. Any increase will have a minimum of six months of review. For example: if an employee receives an end of introductory increase in January – June, they will not eligible for an annual increase in July of the same calendar year. No employee shall receive an annual increase (in July) while on introductory status.

SECTION 9. Lump Sum Bonuses: Employees may be eligible for a "one time" lump sum bonus in "real time" where the employee is nominated for doing something notable. Nominations can be made by supervisors, co-workers or members of the public. Members of the Compensation Committee are not eligible for the lump sum bonus program.

SECTION 10. Market Premium: Where a problem occurs with either recruitment or retention of employees in a particular job class based on City compensation levels, the City will initiate a market compensation survey study of the job class to determine how the City compares to other employers in its defined market. If a market premium is warranted, the job class shall receive a market premium where the mid-point is set at the 50th percentile of the market until such time as the market level determines a market premium pay is no longer warranted. Market premiums are not added to the base, however, is subject to FLSA overtime regulations.

SECTION 11. Certification Pay: Is a skill based pay that may be granted to certain job classifications or individuals requiring specialized state certificates or training, upon recommendation of department director and approval of City Manager. Certification Pay is

subject to overtime provisions for non-exempt classifications.

SECTION 12. Special Assignment Pay: Employees may be eligible for Special Assignment Pay for time worked in a specialty area, such as Field Training Officer (FTO) and Communications Training Officer (CTO). Pay for this category is not added to the employee' base salary and is only paid for actual hours worked in the specialty capacity.

Special Assignment Pay for FTO and CTO will be \$.80 for actual hours worked as in the training capacity.

SECTION 13. Shift Differential: Employees in positions working 2nd or 3rd shift, such as certain police and communications (dispatching) personnel, will be paid a shift differential of \$.80/hr. "Shift work" means the work shift starting time begins in the late afternoon/evening. The decision as to whether a position involves shift work will be made by the City Manager in consultation with the department director and the Human Resources Director. The shift differential will be applied to actual hours worked and subject to overtime provisions while the employee is working second (2nd) and third (3rd) shift.

SECTION 14. Overtime: It is the City's policy to avoid the necessity for overtime work. It shall be the responsibility and an important measure of job performance, for supervisors, division managers and department directors to adequately plan and schedule work and staffing to minimize the need for overtime. In the event of hours worked beyond the normal work day, all efforts shall be made to allow the employee to take off an equivalent number of hours within the designated work period. No employee, except in a situation involving public health or safety, shall be permitted or allowed to work overtime unless authorized by the supervisor. Any verbal authorization given by the supervisor is to be followed up with written authorization. The policy shall also apply in those instances where the employee is provided with compensatory time in lieu of overtime.

Holiday and Pre-Holiday will be counted as hours worked for the purposes of computing overtime.

SECTION 15. Classifications Exempt from Overtime: Not all employees of the City of Kingman are affected by the Fair Labor Standards Act (FLSA). Certain employees simply are not covered by the Act.

- A. Non-covered employees may include contractual appointments, if the duties and responsibilities meet the FLSA definition.
- B. Exempt employees generally fall into three major categories: executive, administrative, and professional. These generally include classifications within salary grades 217 and above. However, employees in these categories shall not be docked for hours worked that are less than eight (8) on a given day unless for specified reasons as outline in [Rule 6. Section 3. A.](#)

- C. Classifications hired for the seasonal pool operations are exempt from overtime as permitted under Section 13(a)(3) of the FLSA.

SECTION 16. Rounding Rule: The City uses the quarter-hour rounding rule. In situations where an employee begins work prior to his/her scheduled starting time or ends work beyond his/her scheduled ending time, credit shall not be given for increments of time of seven minutes or less; increments of time greater than seven minutes shall be paid to the nearest quarter hour.

SECTION 17. Work Period: All employees assigned a non-exempt status shall be paid an amount equal to one and one-half times their regular hourly rate for time worked in excess of forty (40) hours per work period or for time worked in excess of 212 hours for non-exempt shift fire personnel. A work period is defined as seven consecutive days for non-exempt employees or 28 consecutive days for non-exempt shift fire personnel.

The regular basic week for most City employees is forty (40) hours, normally consisting of eight hours per day, Monday through Friday. Modifications to this provision, to provide essential City services, may be made subject to any applicable federal or state statutory or constitutional limitations relating to hours of work. Flexible scheduling is the prerogative of the department director and shall be approved in writing through consultation with Human Resources and a final copy of the approved schedule placed in the employees personnel file.

Hours of attendance shall be maintained on official City payroll documents as specified by the Finance department, and must be approved on a bi-weekly basis by the supervisor and/or department director. Any falsification of individual time records or payroll documents by any City employee will result in disciplinary action up to and including discharge. It's the responsibility of the employee to record accurate hours worked daily on their timesheet. Supervisors must also review the employee's time sheet for accuracy.

SECTION 18. Hours Worked: Employment, under the FLSA, is defined to include all hours that an employee is "suffered or permitted to work" for the employer. Hours worked also include time during which an employee is "necessarily required to be on the employer's premises, on duty or at the prescribed work place."

SECTION 19. Pay Periods and Pay Dates: Employees will receive their paychecks on a bi-weekly basis. The pay period shall end on Saturday at 11:59:59 PM on alternate weeks. Paychecks will be issued on the Friday following the pay period end date.

For shift fire personnel, the pay period shall end at the conclusion of the shift started on Saturday and ending on Sunday. Paychecks will be issued on the Friday following the pay period end date.

The definition of a pay period is different than the definition of a work period; see Section 17 above for the definition of a work period.

SECTION 20. Emergency Call-Out Time: Any employee may be contacted and asked to respond

to a situation outside work hours in order to meet an emergency. Employees required to work under these provisions shall be paid a minimum of two hours pay. Employees shall be notified by the department director or designee of the emergency.

Pay for Emergency Call will be paid on the following basis:

- A. Non-exempt employees will be paid at the overtime rate.
- B. Non-exempt employees who work more than two hours will be paid at the overtime rate for all hours actually worked.
- C. Unless the employee's vehicle contains principal tools and equipment for such emergency, pay will not begin until the employee reports to work. Otherwise pay normal travel from home to work and work to home will be compensated.

This emergency call-out does not apply when an employee is requested to report to work early for his/her regularly scheduled shift.

Note: See Section 22 and Section 23 of this Rule.

SECTION 21. Meal Time: Unless all the following three conditions are met, meal periods must be counted as hours worked; (1) the meal period must be at least 30 minutes of uninterrupted time; (2) the employee must be completely relieved of all duties; and (3) the employee must be free to leave the duty post. Uniformed police officers who are on their regular shift and subject to call during the meal period shall be considered to be on working hours during mealtime. Supervisors should encourage employees to leave the work area during meal times to insure an uninterrupted break.

SECTION 22. Standby Time: If an employee is unable to use off-duty time for his/her own purposes, those hours shall be considered hours worked. If the employee is assigned stand-by status and is able to use the off-duty time for his/her own purposes, the hours will not be considered hours worked. If an employee is required to perform any work-related duties during stand-by time, the time will be hours worked. An employee who is merely required to leave work where he/she can be reached during stand-by periods or is required to respond to a page will not accrue hours worked for those time periods. Employees who are assigned stand-by status will receive compensation at the rate of one (1) hour for every three (3) hours on stand-by status. This compensation would not apply when the employee is required to perform work-related duties during stand-by time since that time is to be considered hours worked.

SECTION 23. Engaged-to-Wait Time: If an employee has been assigned as engaged-to-wait for something to occur his/her waiting time will be counted as hours worked; if the employee arrives early, does not perform any work before his/her shift starts, and merely waits to begin working, his/her waiting time will not constitute hours worked.

Workers who are required to be engaged-to-wait and ready for duty, whether during the lunch periods, during machinery breakdowns, or during other temporary work shutdowns, must be paid

for this time. Since the employee is controlled as to their activities during the time engaged-to-wait by the employer and is not able to use the time for his or her own purposes, this is working time.

SECTION 24. Voluntary Work: Employees who continue to work after their shift is over are engaged in compensable working time. The reason for the work is immaterial; as long as the supervisor "suffers or permits" employees to work on the City's behalf, proper compensation must be paid. Once an employer allows the employee to work, or knows that the employee is working, the employee must be compensated. It is the supervisor's responsibility to make certain that unwanted overtime work is not performed. According to the FLSA, the mere existence of a rule is not sufficient to avoid compensation for additional hours worked. Supervisors who permit employees to work overtime without compensation may be subject to discipline. Employees who work unauthorized overtime may also be subject to discipline.

SECTION 25. Travel Time:

- A. **Home-to-Work Travel:** As a general rule, home-to-work & work-to-home travel is not compensable, even if an employee must travel from a town to an outlying site to get to the employer's premises. This is true whether an employee works at a fixed location or at different job sites. Generally, an employee is not at work until he or she reaches the work site. But if an employee is required to report to a meeting place where he or she is to pick up materials, equipment, or other employees, or to receive instructions, before traveling to the work site, compensable time starts at the time of the meeting or arrival at the work site.
- B. **Travel During the Work Day:** Traveling from an outlying job at the end of the scheduled workday to the employer's premises is time worked. Where an employee is required to report to a meeting place to receive instructions, perform other work there, or pick up tools, and travel from the designated meeting place to the work site is considered working time.

SECTION 26. Overnight Out-of-Town Travel: Where employees travel out of town overnight on assigned business they must be paid for time spent in traveling during their normal work hours on their non-working days as well as on their regular working days. Travel time as a passenger outside regular working hours is not considered hours worked. If an employee drives a vehicle without being offered public transportation where they would have otherwise been a passenger, the travel time is considered working time. If an employee drives a vehicle where they would have been a passenger in another public transportation vehicle, the time is non-compensable time.

SECTION 27. Substitution of Work Hours between Employees: The FLSA provides that any individual employed in any capacity by a public agency may agree to substitute during scheduled work hours, for another employee. This typically applies to sworn police and uniform fire personnel, but may have application elsewhere (consult with Human Resources for other classifications). Employees may work substitution schedules where the substitution is: 1)

voluntarily undertaken and agreed to solely by the employees, and 2) approved by the supervisor. The traded time will not be considered by the City when calculating the hours for which the employee is entitled to overtime compensation. In effect, even though a substitution has taken place, each employee will be considered to have worked his or her normal schedule. In addition, the supervisor of an employee who performs such substitute work is not required to keep a record of the hours of substituted work. It is important to be aware that the substitution provisions of the FLSA apply only when the employee's decision to substitute is made freely and without direct or implied coercion. It must be made exclusively for the employee's own convenience.

SECTION 28. Compensatory Time in Lieu of Overtime Payment: The FLSA permits the City of Kingman to provide compensatory time off in lieu of monetary overtime compensation, at a rate of not less than one and one-half hour of compensatory time for each hour of overtime worked. The calculation used for compensatory time is the same as that generally used for calculating monetary overtime.

The use of compensatory time is allowed only if it is provided for under a [Compensatory Time Agreement](#). The "agreement" must inform the employee that the compensatory time received may be preserved, used, or paid consistent with the provisions of this policy. The agreement must be reached prior to the accrual of overtime.

A signed copy of the agreement between the department and the employee shall be placed in the employee's personnel file. A record of accumulated compensatory hours shall be provided to the Finance department at the end of each pay period on the employee's timesheet.

Non-exempt employees may receive compensatory time in lieu of overtime pay for hours worked beyond 40 hours in a seven-day (7) work week or for hours worked beyond 212 in a twenty-eight day (28) work period for non-exempt shift fire personnel. Employees may accrue a maximum of sixty (60) compensatory hours (meaning no more than 40 overtime hours). Due to the seasonal nature of their work, Parks and Golf Course employees shall be allowed to accrue no more than one hundred-sixty (160) hours of compensatory time off.

The compensatory time earned by an employee constitutes a financial liability for the City of Kingman and therefore is not encouraged. An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the agency. When the use of compensatory time is denied, the supervisor shall provide to the affected employee the reasons for denial. A copy of the reasons for denial shall also be provided to the Human Resources Director.

Compensatory time is not to be used as a means of avoiding statutory overtime compensation. When compensatory time leave is used it is paid at the employee's current pay rate in accordance with the provisions of this policy. Employees who change from one pay range to another, either by promotion or demotion, will keep any accrued compensatory time. Employees who change

from FLSA non-exempt to FLSA exempt will be paid out accrued compensatory time at the employee's current FLSA non-exempt pay rate.

SECTION 29. Payment of Compensatory Time at Termination of Employment: In accordance with the FLSA, unused compensatory time must be paid at:

- A. The average regular rate received by the employee during the last three years of employment; or
- B. The final regular rate received by the employee, whichever is higher.
- C. Payment of compensatory time due to separation of employment is not eligible for ASRS or APSPRS contributions.

SECTION 30. Holiday: The paid holidays to be observed in this City are as follows, and are counted as hours worked when calculating overtime:

New Year's Day
Martin Luther King, Jr. Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Appreciation Day (Fri. after Thanksgiving)
Christmas

- A. When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.
- B. All benefit eligible classifications shall receive eight (8) hours of holiday pay in the pay period in which the holiday occurs. Holiday pay shall be pro-rated for Three-Quarter and Part-Time A classifications.
- C. It should be noted that employees may be required to be on duty on holidays. All holiday pay shall be at straight time and will be included when calculating overtime in a work week or work period. FLSA Exempt employees shall receive their regular salary for days recognized as a holiday.

SECTION 31. Pre-Holiday Leave:

- A. Generally, all non-exempt benefit eligible employees are entitled to 4 hours of pre-holiday leave for personal use either on the day before Christmas or the day before New Year's Day. Holiday pay shall be pro-rated for Three-Quarter and Part-Time A classifications.

- B. Employees who are required to work both pre-holiday periods are entitled to schedule with their supervisor to move the pre-holiday leave to a later date. The entitlement of leave will remain 4 hours of leave which is to be scheduled for use within two (2) weeks of the holiday.
- C. All Pre-Holiday Leave hours shall count "as hours worked" for the purpose of calculating the number of hours in a work week.

SECTION 32. Rest Periods: Full-time and Three-Quarter employees of the City may be allowed to have a fifteen (15) minute rest period during each four (4) hours of duty. This applies to all personnel except: on-duty police employees, communication specialist personnel, KART, operating street crews and employees working under extraordinary circumstances where the nature of their duties prevent orderly scheduling of any specific time for rest periods. Rest periods under this policy are considered hours worked. Rest periods can not be combined with any other work break.

SECTION 33. Occasional or Sporadic Work: (Amended 7/1/13) In general, an employee cannot do work for the City that is in addition to his or her regular assignments, unless the City is prepared to add those additional hours to the employee's regular work hours in determining overtime compensation. There is, however, according to FLSA, a limited exception to this general rule. The following rules must be met in order to use this exception:

- A. The additional work must be part-time.
- B. An employee cannot hold two full-time jobs with the City in the same workweek or work period. Unless the hours worked in the two jobs are totaled in determining the employee's overtime compensation.
- C. The additional work can be done only on an occasional or sporadic basis.
- D. To qualify for the exception, the occasional or sporadic work must be solely at the employee's option.
- E. Occasional or sporadic work must be in a capacity different from the employee's regular work with the City.
- F. For those employees who are designated as Part-time A, Part-time B, or Seasonal, Temporary or Relief, combined hours worked are not to exceed 24 hours in a workweek or a consecutive period of employment of not more than 90 days each season (one season per year – i.e., May 20 – August 20).

SECTION 34. Other Examples of Compensable Hours Worked and considered for the purposes of calculating overtime:

- Caring for tools that are a part of principal activities, such as guns and vehicles (unless such equipment also allowed for personal use or owned by the employee).
- Changing clothes, if mandated or controlled by the employer.
- Charitable work mandated or controlled by the employer.

- Fire drills and other disaster drills, whether voluntary or involuntary, either during or after regular working hours.
- Training in regular duties to increase efficiency.
- Training programs required by the employer.
- Rest periods of twenty (20) minutes or less.
- Medical attention during working hours at the employer's direction. The normal work hours of a work related injury will be paid time. However any loss time after the day of injury will follow the worker's compensation laws.
- Travel time between work sites during the normal work day.

SECTION 35. Examples of Time Other Time Not Considered "Hours Worked" for the Purposes of Calculating Overtime Compensation:

- Jury duty
- Military leave
- Sick leave
- Vacation leave
- Bereavement leave
- Compensatory time leave
- Worker's Compensation (Industrial) compensable time

SECTION 36. Red Line Rates of Pay: Based upon classification studies, reclassification of a position or a voluntary demotion, the City Manager may authorize "red line" rates of pay. A "red line" salary is in excess of the maximum rate of pay assigned to the position classification. No salary adjustments, including market and merit increases, shall be effective for an employee with a "red lined" salary.

SECTION 37. Acting Out of Assignment Pay: Full-time or Three-Quarter employees who are assigned in a temporary acting capacity may be eligible for additional compensation. This includes to positions of higher responsibility or a higher classification grade. To qualify for Acting Pay, the employee must be in an acting capacity for a period of at least thirty (30) consecutive calendar days. On the thirty-first (31) calendar day the employee shall begin to receive acting pay to be retro to the first day the employee was designated to an acting assignment. Temporary acting assignment shall not to exceed twelve (12) months.

- A. **Definition:** For the purpose of this policy, "higher responsibility" shall be defined as a position which is at least one salary grade above the employee's classification; however, exceptions can be made by the City Manager or designee where circumstances warrant such consideration.
- B. **Eligibility:** Full time and Three-Quarter employees are covered by the provisions of this policy.

- C. Acting assignments shall be justified in writing and approved by the Department Director in conference with the Human Resources Director. A copy of the approval, justification and a completed [Personnel Action](#) form must be sent to the Human Resources Director.
- D. After the completion of thirty (30) consecutive calendar days in the temporary acting assignment, compensation shall be retroactive to the employee's first day of the assignment and continue until the end of the assignment. Normally, compensation shall be five percent (5%) above the employee's regular rate of pay or the minimum of the range assigned of the assigned classification in which he/she is acting, whichever is greater. The Department Director may approve a higher level of compensation up to ten percent (10%) above the employee's regular rate of pay when extenuating circumstances warrant such consideration.
- E. Upon completion of the acting assignment, the employee will be returned to his/her former classification at the range and salary that would have been paid had the acting assignment not occurred.
- F. Normally, acting assignments shall be limited to no more than twelve months. In extenuating circumstances, a department director may request approval for an extension of the twelve month period from the City Manager.
- G. An employee is not eligible for payment at the acting pay rate for hours not worked (e.g., vacation or sick); however, such hours shall not be deemed to have interrupted a "continuous temporary acting assignment". When in an acting assignment, any period of sick or vacation leave will be paid at the employee's salary that would have been paid had the acting assignment not occurred.

SECTION 38. Bilingual Pay: Having bilingual employees is important to communicate with the citizens of Kingman in meeting their needs. Further, the City believes it is appropriate to compensate employees who have demonstrated their knowledge, skill and ability in speaking a second language to the extent that they meet the requirements provided in this policy. Employees receiving bilingual pay will receive bilingual pay for all hours.

- A. Basic Level Certification: Basic level certification requires proficient communication skills which prove the employee has the ability to obtain and communicate basic information with citizens and includes such skills as using and understanding simple greetings, introductions, numbers, addresses, money, days of the week, months of the year, members of the family, interrogative words, pronouncing and using names correctly, and giving and following general directions in the second language. Employees certified at the basic level receive an additional \$0.30 per hour (\$0.23 per hour for shift fire personnel).
- B. Advanced Level Certification: In addition to the requirements of the basic level, the advanced level requires an individual to be able to communicate with a higher level of proficiency, which may include communication of technical language and instructions. Employees certified at the advanced level should be able to read and write in the second

language, or communicate with hearing impaired persons at a more detailed and complex level with little or no difficulty. Employees certified at the advanced level receive an additional \$0.60 per hour (\$0.45 per hour for 56-hour shift fire personnel).

- C. Position Authorization: Positions may be authorized on a case-by-case basis at the request of a Department Director. Factors considered for authorization include the need for the language as evidenced by dealing with citizens whose primary language is not English, or who are hearing impaired, and the frequency of use, which is, for the purposes of this policy, an average of four times per month at the minimum.
- D. Employee Eligibility/Approval Process: Bilingual compensation is available for all full-time & three-quarter exempt and non-exempt classifications, as well as, part-time A & B classifications. Eligibility for compensation will be as follows:
1. Employees interested in receiving Bilingual Pay shall complete a Bilingual Ability Survey form; discuss the need and their ability with their immediate supervisor and department director for approval. Completed Bilingual Ability Survey forms with the director's approval are then submitted to Human Resources.
 - Human Resources will schedule the employee to take either the Basic Level or Advanced Level examination (according to the survey).
 - Upon successful completion of the examination, Human Resources will approve the employee to receive Bilingual Compensation.
 - An employee who transfers positions/departments must resubmit a Bilingual Ability form for authorization.
 - In cases of multiple certifications, employees will not receive Bilingual Pay for both the basic or advance per each certification.
 2. Examination Testing – Testing for the bilingual compensation program for will be scheduled on an "as needed basis."
 3. Basic Certification – Basic level certification examination consists of an oral assessment. Before receiving compensation, candidates must successfully pass the basic level proficiency test with Mohave Community College. A minimum passing score is 75%.
 4. Advanced Certification – Advanced level certification examination consists of a written test and an oral assessment. Minimum passing scores for the advanced level is 75% for the written test and 75% for the oral assessment. Employees who fail to receive a passing score on either the oral or written assessments will be considered for the Basic Level.
 5. The City does reserve the right to test a candidate's language skills at any time.
 6. Discontinuation – Candidates who fail to maintain acceptable performance standards, or whose position does not require the minimum level of Bilingual interaction (as determined by the immediate supervisor) will be removed from the program.

7. Initiation of Compensation – After successful certification for compensation, Human Resources will notify the employee's supervisor of the testing results. The employee's supervisor will then complete a Personnel Action Form to initiate the compensation.

SECTION 39. Application of Rates: Employees shall be paid a salary or wage established under the compensation plan. The minimum rate for the class generally shall apply to employees upon original appointment. However, the City Manager may, when circumstances warrant, authorize original appointment or rehire at other than the minimum rate.

SECTION 40. Hiring to Mid-Point: Prior to making an offer of employment, department directors may recommend to the Human Resources Director and the City Manager that an applicant with higher than entry level qualifications be offered employment at a rate up to mid-point of the salary grade. In cases where a department director feels that the applicant should be offered a salary higher than mid-point the request will be reviewed by the Compensation Committee for review of internal consistency and forwarded to the City Manager for final approval.

SECTION 41. Promotions: Employees who are promoted through a promotional process to a classification with a higher salary range may receive a 10% increase by either

- Being placed at the minimum of the new salary range; or
- Receiving a combination of an increase in the base salary and lump sum distribution not to exceed the 10% promotional increase.

However, all increases are subject to being capped at the maximum of the new salary range.

SECTION 42. Salary Advancement: There may be an occasion when a supervisor desires to reward an exceptional employee with a salary increase. Such times may occur when an employee leaves the introductory period; or has attained a special recognition or reached specific accomplishment. Supervisors are authorized to recommend a salary adjustment by documenting the employee's accomplishment and recommending the advancement, in writing, to the City Manager through the department director. Another avenue the supervisor might consider is the lump sum bonus program.

Adjustments may be made depending upon the amount of money available in the Department's "Personnel services" budget.

SECTION 43. State Retirement Plans: (amended 11/1/12) All eligible City employees must participate in either the Arizona State Retirement (ASRS) or Arizona Public Safety Personnel Retirement System (APSPRS). The City is legally obligated to enroll employees who meet the eligibility definition.

A. ASRS Membership Qualifications:

1. 20 week/20 hour test: All eligible employees who are hired to work at least 20

weeks in a fiscal year and 20 or more hours per week become members upon employment. (ARS §38-711, Subsection 23 (b)). Membership is based on the duration of employment - 20 weeks/20 hours per week. Membership for "eligible" employees (Section 218 covered) is determined on the basis of the terms of employment for which the employee is hired. If an employee is engaged to work at least twenty (20) hours a week for at least twenty (20) weeks in a fiscal year, that employee becomes a member of the ASRS at employment. The City must withhold retirement and long-term disability (LTD) contributions according to state law. If an employee is hired to work part-time, sometimes working 20 or more hours in a week and sometimes working less, that employee becomes eligible at the start of the 20th week of working twenty (20) or more hours in a fiscal year. Once an employee meets eligibility in a fiscal year the City must begin to withhold retirement and LTD in the twentieth (20) week and continue until the end of the fiscal year.

2. Limited Appointment: In a limited appointment position, for not more than eighteen (18) months, an employee does NOT meet ASRS membership qualifications even if the hours work are more than 20 week/20 hours. However, if the employment extends beyond eighteen (18) months, membership becomes mandatory as of the beginning of the nineteenth (19) month.

B. APSPRS Membership Qualifications: A member means personnel who meet all of the following and who are regularly assigned to hazardous duty:

1. Who is either a full-time paid municipal police officer, a full-time paid fire fighter, a law enforcement officer who is employed by this state including the director thereof, a state fire fighter who is primarily assigned to fire fighting duties, a fire fighter or police officer of a nonprofit corporation operating a public airport pursuant to sections ARS §28-8423 and ARS §28-8424 or an employee included in a group designated as eligible employees under a joinder agreement entered into by their employer after July 1, 1968, and who is or was regularly assigned to hazardous duty.
2. Who, on or after the employee's effective date of participation, is receiving compensation for personal services rendered to an employer or would be receiving compensation except for an authorized leave of absence.
3. Whose employment with an employer commenced prior to attainment of age fifty.
4. Whose customary employment is at least forty (40) hours per week and for more than six (6) months in a calendar year.
5. Who has not attained age sixty-five prior to the employee's effective date of participation or who was over age sixty-five with twenty-five (25) years or more of service prior to the employee's effective date of participation.

C. Retirement Benefits: retirement benefits begin on the first day of employment for qualifying employees or upon meeting membership qualification.

1. Both ASRS and APSPRS are cost-sharing, public employee, tax qualified, defined benefit plans, which means your pension is determined by a formula, not by the amount of money in your account. By cost-sharing, we mean that both the employee and employer contribute to the member's retirement as a percentage of compensation paid.

The retirement systems provide retirement, health insurance premium supplement, survivor's benefits, and long term disability retirement. Members may be eligible to purchase prior public service credit. As defined benefit plans, the retirement pension is currently computed based on age, average monthly compensation and service credit.

- D. Contributions: The employee contributions for both retirement systems are determined by percentage of the gross monthly salary amount. Employer and employee contributions are determined by the State and are figured by an actuarial evaluation. Contribution rates for APSPRS members are set by state statute.

SECTION 44. Clothing Allowance: Job related clothing for field personnel may be supplied, reimbursed, or made allowance for the following clothing and footwear:

- A. Initial allotment:

1. Five (5) shirts (long or short sleeve optional);
2. Five (5) pairs of pants;
3. Upon written supervisor approval, field personnel may be reimbursed for a pair of safety shoes (non-steel toed). Safety shoes may be reimbursed \$50.00 per rolling twelve months or for \$100.00 per rolling twenty-four months.

OR

4. Employees who work in jobs that entail a high degree of risk of foot injury must purchase and wear steel toed shoes at work and/or on hazardous job sites. Upon written approval, employees required to wear steel toed shoes may be reimbursed for a pair of steel toed shoes \$125.00 per rolling twelve months or for \$250.00 per rolling twenty-four months.

The employee is responsible for any additional expense associated with the purchase of safety or steel toed shoes.

- B. Replacement clothing:

1. Three (3) shirts per rolling twelve months;
2. Three (3) pairs of pants per rolling twelve months;
3. Replacement of one pair of either safety shoes (non-steel toed) or one pair of steel toed shoes may be reimbursed as outlined above in A. 3. OR A. 4. of this Section.

- C. Employees may have the option of purchasing heavy duty denims (such as those

manufactured by “Levi” or “Wrangler”) in lieu of the cotton pants purchased by the City. In this case, the City will reimburse the employee \$12.00 per pair of pants, provided that the pants are of the same color as the City colors; that the employee has department director approval prior to the purchase; and that the employee presents the City, through their department director, the receipt of the pants which were purchased.

- D. Personnel of departments such as police, fire, and KART may be required to wear City issued uniforms.
- E. All allowance and/or reimbursement will be administered according applicable state and federal tax laws. Any request for clothing allowance for classifications not specified herein, shall be reviewed by the Human Resources Director.
- F. The amount of City participation is subject to the annual budget process.

SECTION 45. Shut Downs: During periods of adverse weather conditions, equipment failure, or other work shut downs (other than City recognized holiday), pay practices do not change.

- A. During periods of bad weather or other conditions requiring the department to shut down, employees may be told not to come to work, to arrive late, or leave early. When a department must shut down, the affected employees may charge their time to vacation, absence without pay, or may use other appropriate leave balances. Sick leave cannot be used to cover time loss due to City closure unless the employee is able to establish to his or her supervisor's satisfaction that there is a bona fide reason for sick leave use.
- B. Departments are encouraged to be flexible in the approval of leave time when safety is a concern.

SECTION 46. Public Safety Supplemental Benefits Plan: (added 11/1/12 retro 8/2/12) The purpose of this Supplemental Benefits Plan for Public Safety Employees is to meet the requirements of A.R.S. §38-961 and provide economic benefits to sworn Police, Fire Department employees covered under Arizona Public Safety Personnel Retirement System (APSPRS) who experience a work-related injury and who are deemed eligible for a specific category of workers’ compensation benefit. The Plan’s effective date is retro to August 2, 2012. The law was passed with a delayed-repeal provision, which means the law will automatically be repealed effective September 30, 2014.

- A. Eligibility: The City of Kingman has sole discretion to determine eligibility of an employee to participate, or to continue to participate in this Plan. To be eligible for benefits under this Plan initially and to continue in the Plan as described, the employee must meet all of the following criteria:
 - 1. Be a full-time Police or Fire Department employee who is a member of the Arizona Public Safety Personnel Retirement System (APSPRS).
 - 2. Be injured as a result of such employment and be eligible for workers’ compensation benefits pursuant to A.R.S. §23-1021.

3. Be receiving workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes.
4. Submit an application for the Supplemental Benefits Plan in writing to the City's Human Resources Director as described in this policy within fifteen (15) days. Pursuant to A.R.S. §23-1021, §38-961, and related statutes.
5. Comply with all Risk Management requirements, including evaluation for alternate-duty options and rehabilitation programs, and direction to participate in these programs.
6. Be mentally and/or physically unable to return to work for the City of Kingman in any capacity, including alternate duty assignments as determined by the City and as supported by the employee's physician or through an independent medical examination (IME) ordered by the City and/or its workers' compensation insurance carrier. The employee's inability to perform his/her normal duties or any other capacity assigned by the City, including the inability to perform alternate-duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this Plan. The actual availability of alternate-duty assignments is at the sole discretion of the City.
7. Remain a full-time City employee during the time period the employee is receiving the supplemental benefits.

B. Ineligibility: An employee will be ineligible for any and all benefits under this Plan, regardless of any other determination under workers' compensation or any other benefit, if the employee's injury results from or is worsened in whole or in part by:

1. Gross negligence
2. Horseplay
3. Unapproved physical activities, including physical fitness activities whether or not during work hours
4. Misuse of tools or equipment
5. Any form of dishonesty surrounding the cause of injury

D. Duration: All benefits of this Plan will be provided while the employee meets all eligibility criteria, for a period of up to six months from the date the employee becomes eligible for the payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes. Acceptance of an employee into this Plan is at the sole discretion of the City. No benefits under this plan shall be extended for injuries sustained outside of City of Kingman employment.

E. Benefits under this Plan include:

1. Payment by the City will be the difference in compensation between the employee's base compensation pre-injury, less applicable taxes and any voluntary/mandatory deductions, and the workers' compensation benefit paid to the employee under Arizona law. In other words, the City will supplement the 1/3 percent difference of base salary not paid by a worker's compensation claim eligible for temporary disability which is 2/3 percent of an employee average base salary.
2. Continued payment of the City's (employer) portion of premium for the health insurance benefit package as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health insurance benefit package as was paid pre-injury and/or as is paid by similarly enrolled employees, and remains responsible for any elective health care plan deductions, health-related optional deductions or optional life insurance deductions.
3. City payment of both employer and employee contributions to the Arizona Public Safety Personnel Retirement System (APSPRS) as based on the employee's pre-injury base salary. The employee will receive full credited APSPRS service while receiving benefits under this Plan.
4. Accrued sick and vacation leave balances will be frozen and no additional accruals will be gained, for the period the employee is receiving worker's compensation temporary disability payments while participating in this Plan.

F. Procedure:

1. The employee will make a request for plan benefits to the Human Resources Director, in writing, within fifteen (15) days of the employee's receipt his/her injury qualifies for worker's compensation benefits as temporary disability. Human Resources will function as the Supplemental Benefit Plan Administrator for purposes of this benefit. Failure to make a request in writing within the timeframe established herein shall be construed as a waiver of any rights under ARS §38-961.
2. The SBP Administrator will review the written request, the circumstances surrounding the injury, employee eligibility for worker's compensation, and any other relevant factors. Within fifteen (15) days of receipt of written request from employee, the SBP Administrator will provide the employee with written determination of benefits eligibility under the plan.
3. Supplemental benefits under the plan will be provided from the date of the employee's injury for a period not to exceed six (6) months, as long as the employee continues to all eligibility criteria.
4. Employees granted benefits under this plan will cooperate fully with the City, the SBP Administrator, and others working to coordinate benefits.
5. Any absence meeting the definition of FMLA may be considered as qualifying under the Family Medical Leave Act (FMLA).

6. An employee receiving benefits under this Plan is not precluded from disciplinary action, or termination from employment, pursuant to the City's disciplinary procedures and processes.

SECTION 47. Adoption: The pay plan shall be adopted and may be amended from time to time by action of the City Council. At the time of consideration, any interested party may appear and be heard. The City Manager may make recommendations, amendments, or revisions of the plan to the City Council by any interested party and shall be submitted to the Council through the City Manager. The City Manager will consider the City's financial condition and policies in making the final recommendation for the Councils' approval.

Rule 8. Leaves

SECTION 1. Work Schedules: Work schedules are established at the discretion of the department director.

SECTION 2. Tardiness and Absence: All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative as designated by the chain of command. This notification shall be provided prior to the time set for beginning his/her work day. Notification shall not be left with a co-worker or on voicemail unless otherwise permitted as specified in writing by the supervisor. Failure to notify without good reason shall constitute an unauthorized absence without pay.

- A. Time off work with pay shall be allowed only as provided in City Personnel Rules for compensatory time, paid holiday time, or various paid leaves.
- B. Employees classified as FLSA Exempt are required to be at work as scheduled by their supervisor. All absences, including those of less than a full working day, are required to be approved in advance by the supervisor.
- C. It is the responsibility of the employee to notify the supervisor or chain of command when absence from assigned duties and/or work schedule is required.

SECTION 3. Rest Periods:

All City employees shall adhere to rest period established by the supervisor and as authorized within these Personnel Rules & Regulations, also see [Rule 7. Compensation Plan](#).

- A. Smoke breaks will not exceed the number or duration of rest periods afforded other employees. Tobacco use is prohibited in all City buildings and structures, including garages and stairwells, City vehicles, including rental cars used for City business. In accordance with the Smoke Free Arizona Act, employees will not smoke within twenty (20) feet of entrances, windows and vents to any City building or within twenty (20) feet of nonsmoking City employees when present at a work site other than a building or structure.

SECTION 4. Vacation Leave: The purpose of vacation leave is to enable each eligible employee to take time off for personal reasons and to return to work mentally refreshed.

- A. All employees shall be entitled to vacation leave with pay except the following:
 - 1. Employees who have served less than thirty (30) continuous full days in the service of the City. However, vacation credits accrue from the date of appointment into a leave benefit classification.
 - 2. Employees in Part-Time B or Seasonal; Temporary or Relief classifications or volunteers.

- B. Annual leave shall accrue during any approved leave of absence with pay.
- C. Annual leave shall not accrue during any leave of absence without pay or suspension without pay that lasts more than entire bi-weekly pay period.
- D. The vacation leave policy is as follows:
1. 1 to 5 years - 15 working days (120 hours per year); 8 hours added for each year worked after five years of service, up to ten (10) years, with a maximum of 20 working days (160 hours) earned each year.
 2. Fire Personnel - Every regular full-time shift fire personnel who work fifty-six (56) or more hours per week average shall be credited with vacation time at the rate of five (5) 24-hour working shifts per year. Upon completion of five years of continuous employment, shift fire personnel will accrue one-third (1/3) additional working shift of vacation for each one (1) year worked thereafter to a maximum of seven (7) 24-hour working shifts.
 3. Three Quarter and Part-Time A employees shall be credited vacation on a prorated basis.
 4. With the recommendation of the department director and approval of the City Manager, a new hire employee can be advanced up to six (6) months of accrued vacation hours.
- E. Upon completion of thirty (30) continuous full days of City employment, an eligible employee may take accrued vacation with advanced written approval of the department director or supervisor.
- F. Employees shall submit a written request for approval of vacation leave in advance of the intended absence and indicate the dates and duration of the requested annual leave. Requests shall be made using a Request for Leave or Approved Absence form. Upon approval, a copy of the Request for Leave form shall be submitted with the bi-weekly time sheet and maintained in the supervisor's employee's personnel file.
- G. When scheduling vacation pay, vacation requests shall not be in an increment of less than one (1) hour. For leave more than one (1) hour, increments will not be less than one-quarter of an hour. For example, an employee may take 1 hour and 15 minutes of vacation time, but can not take only 45 minutes of vacation time.
- For employees that desire time off for less than one (1) hour for personal business, arrangements for time off and the subsequent "make-up" time will need to be arranged between the employee and their supervisor and shall occur within the same work week as the time off taken.
- H. A department director or supervisor may deny, require that an employee postpone, or change scheduled vacation leave for good cause.

- I. Both FLSA exempt and non-exempt employees will be charged accrued vacation or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such vacation or sick leave, to the extent accruals exist, is paid leave.
- J. An employee may not accrue more than two-hundred (200) vacation hours or equivalent fire department hours of not more than two-hundred forty (240) (upon separation of service, shift fire personnel will not be paid out more than 200 accrued hours at the 2080 hourly rate).
- K. In the event one or more municipal holiday(s) falls within a vacation leave, such holiday(s) shall not be charged as vacation leave.
- L. Bi-weekly vacation leave accrues at the end of the day on the Saturday that ends the pay period. When an employee separates employment or placed on a leave of absence without pay status before the bi-weekly vacation accrual occurs will not receive the accrual.
- M. In extraordinary circumstances (such as family emergencies), and upon recommendation by the department director and at the discretion of the City Manager, the City Manager may authorize payment for some or all of an employee's accrued vacation hours. The vacation hours will be paid at straight time and will not count as "hours worked" for purposes of calculating overtime.
- N. If an employee has reached the maximum accrual by pay period ending and is requesting vacation leave and the request is denied because the department is experiencing a staffing shortage due to a position vacancy, the department director may recommend and at the discretion of the City Manager, the City Manager may authorize payment of vacation hours in lieu of taking leave. In the best interest of the employee and the City, vacation will be paid at no less than forty (40) hours and will be paid with the next regular pay check.
- O. Employees who have satisfactorily completed thirty (30) days employment, and who leave the City employment shall be paid in a lump sum of all accrued vacation leave earned prior to the effective date of separation. Employees who leave the City employment prior to this thirty (30) day period shall forfeit paid accrued vacation leave. (Res. 3182).
- P. Employees who were advanced vacation accruals at the time of hire and who leave City employment within six (6) months of hire, shall only be paid a lump sum of vacation hours actually accrued through their last day of employment. Provided the advanced and accrued leave used during employment is not greater than actual hours accrued during the time of employment.
- Q. Generally, for FLSA Exempt classifications, salary deductions for absences of less than a full day are not permitted. At the discretion of the employee's supervisor, an employee classified as FLSA Exempt may be required to use accrued vacation leave for absences of less than a full work day, as part of a disciplinary action, when the supervisor determines that voluntary partial day absences taken by the employee are excessive or have a

negative impact on the operation of the department. Employees eligible for overtime are required to use annual leave for absences of less than a full work day.

SECTION 5. Vacation Leave Time Donation: The following criteria have been established to provide for transfer of donated leave between employees. The leave donation program is not intended to supplement an employee's use of a short-term or long-term disability policy, worker's compensation benefits, or any other wage supplement policy.

- A. **Eligible Employee:** The employee to whom leave is transferred must have a seriously incapacitating and extended illness or injury, or caring for an immediate family member with a serious incapacitating and extended illness or injury and the employee must have exhausted all available leave balances.
- B. **Definition of Immediate Family Member:** For the purposes of this section, the definition of immediate family member will mean:
- Child (step/adopted/foster)
 - Spouse
 - Parent (step)
 - Grandchild (step)
 - Brother (half & step)
 - Sister (half & step)

Exceptions to immediate family or other family definition must be recommended by department director and approved by City Manager.

- C. **Procedure:**
1. The needing employee and/or his/her supervisor shall notify Human Resources when donations are needed. Human Resources will send out a memo outlining the need for donated leave transfers.
 2. A donating employee must complete a [Request for Leave or Approved Absence](#) form indicating the request is for leave donation. Upon the supervisor's approval, the request will be forwarded to the payroll department
 3. Calculations shall be made by determining the dollar value of the leave donated. The amount of leave credited to the recipient employee shall be increased or decreased proportionally by the difference in salaries. The proportionate adjusted dollar value of the leave shall be determined by dividing the dollar amount of the leave donated by the recipient's hourly rate. The resulting number is the number of donated hours credited to the recipient.
 4. Donated leave will be used on a first come basis; only the needed amount shall be deducted from the donating employee's accrued balance. Therefore, if a leave recipient separates from City employment or recovers prior to using all donated leave, unused leave request forms will be returned to the donating employee through their supervisor. Donors must recognize if they are approaching

maximum vacation accrual, donating time does not necessarily prevent the loss of bi-weekly accruals.

- D. The payroll department will maintain control of implementation of the donor program by providing appropriate leave balances to the department director of both the donor and the recipient and a copy to Human Resources.

SECTION 6. Sick Leave:

- A. All employees shall be entitled to sick leave with pay except the following:
1. Employees who have served less than thirty (30) continuous full days in the service of the City. However, sick credits accrue from the date of appointment into a leave benefit classification.
 2. Employees in Part-Time B or Seasonal; Temporary or Relief classifications or volunteers.
- B. Sick leave shall accrue during any approved leave of absence with pay.
- C. Sick leave shall not accrue during any leave of absence without pay or that lasts more than entire bi-weekly pay period.
- D. The sick leave policy is as follows:
1. Accrual rate is 3.69 per pay period ending.
 2. Three Quarter and Part-Time A employees shall be credited sick leave accruals on a prorated basis.
 3. With the recommendation of the department director and approval of the City Manager, a new hire employee can be advanced up to six (6) months of sick leave accrual hours.
- E. Upon completion of thirty (30) continuous full days of City employment, an eligible employee may take accrued leave with written approval of the department director or supervisor.
- F. Sick leave shall not be considered as a right which an employee may use at his/her discretion, but shall be only allowed when:
1. The employee is too ill to be able to perform his work properly or whose illness endangers the health of other persons while performing job duties.
 2. The employee has been accidentally injured off-the-job, and cannot perform required duties.
 3. The employee is required to participate in medical treatment or examination when prescribed by a licensed physician.

4. The employee must deal with an illness or accident to a member of his or her immediate family. See Vacation Leave Donation above for definition of immediate family member.
 5. The employee has requested time to care for their newborn child or for an adopted child as defined by FMLA.
 6. The employee has been certified by a licensed physician to be unable to perform the duties of his or her position for a period of time, but will be able to resume the duties of his/her position after that time. The use of sick leave for this purpose shall begin at a time specified in writing by the physician and may continue only until the date that the physician states the employee is physically able to return to work. An employee, who has been placed in a no work status by a licensed physician, shall provide a return to work statement from their treating physician verifying his/her fitness return to work.
 7. When the employee has been absent due to illness/injury for more than three (3) days, he/she may be required to bring a statement from the doctor verifying his/her fitness to return to work. This requirement will be dependent on the circumstance of the reason for the absence and/or where there is suspicion of sick leave abuse.
 8. An employee who requires leave for medical reasons may qualify for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993, see Section 17 below.
 9. Leave taken for purposes under the Victim's Leave Law ARS § 13-4439; § 8-420, see Section 17 of this Rule, authorizes employees who are victims of crimes to leave work to exercise the right to be present at legal proceedings related to the crime. Request for Victim's Leave must be made to the employee's immediate supervisor, providing as much notice as practical. In making this request, the employee shall provide:
 - A copy of the form provided to employee by the law enforcement agency, AND
 - A copy of the notice of each scheduled proceeding that is provided to the victim by the responsible agency, AND
 - Complete a [Request for Leave or Approved Absence](#) form.
9. Additional time off requested in conjunction with Bereavement leave wherein the definition of immediate family member is met and with prior approval of the supervisor.

G. Requests: To utilize sick leave, an employee must:

1. Absent an emergency situation, report prior to the beginning of the scheduled report to work time to his/her immediate supervisor or chain of command, giving the reason for the absence, probable duration, and if they will seek medical assistance. The supervisor may waive the advance notice to report an absence prior to the beginning of the scheduled work time in situations where serious accident or illness prevents the employee from providing timely notice.

2. Keep the immediate supervisor informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one work day. Failure to comply with the above may constitute an unauthorized absence without pay.
 3. Upon request, provide the supervisor written verification from a physician or medical practitioner for use of sick leave lasting more than three (3) work days. Unless waived by the supervisor, verification shall be provided upon return to work or as requested.
 4. All sick leave requests, whether anticipated or unanticipated, shall be completed using a Request for Leave or Approved Absence form. If by the end of the pay period the employee is unable to return to work, the supervisor shall complete the form on behalf of the employee and submit with the employee's time sheet. The supervisor SHALL immediately notify Human Resources of ALL sick leave requests wherein the illness/injury may qualify for FMLA, to include providing Human Resources a copy of the employee's leave of absence form.
 5. All anticipated sick leave requests shall be made in advance, at least one full work day, of the requested leave date. An example of an anticipated leave could include scheduled provider visits, therapy visits, scheduled surgeries, etc.
 6. The employee shall make a reasonable effort to notify the supervisor at least thirty (30) days in advance of any foreseeable disability and/or for the use of FMLA leave, or as soon as possible after an emergency situation arises which will require extended use of sick leave.
 7. Vacation leave CAN NOT be used in situations wherein an absence qualifies as sick leave, unless all sick leave accruals have been exhausted or the employee has reached the maximum accrued vacation hours. If such occasion occurs, those vacation hours used in lieu of sick must be reported to Human Resources as described in G. 4. above.
- H. Generally, for FLSA Exempt classifications, salary deductions for absences of less than a full day are not permitted. At the discretion of the supervisor, an employee classified as FLSA Exempt may be required to use accrued sick leave for absences of less than a full work day, as part of a disciplinary action, when the supervisor determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use sick leave for absences of less than a full work day.
- I. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using sick leave.
- J. Sick leave shall only be used to keep the employee's base salary whole.
- K. An employee using vacation or compensatory time leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.
- L. Suspected abuse of sick leave will be investigated.

- M. Excessive use of sick leave (not designated as FMLA or industrial leave) may be considered when evaluating work performance.
- N. The employee's accumulated sick leave time shall be used until it is exhausted. Thereafter, compensatory time and vacation time may be used until it is exhausted.

SECTION 7. Unused Sick Leave: Credit for unused sick leave may not be applied to any other form of leave, nor may it be paid to employee upon separation of service except as follows:

- A. Beginning July 1, 2005: All Regular Full-Time, Three-Quarter, and Part-Time A employees whose hire date is after July 1, 2005: when employees retire from ASRS/APSRS, retirement effective date must be the day after separation of service, and separate service in good standing, unused sick leave will be paid if the balance on the last day of employment is in excess of three hundred sixty (360) hours. The City will pay up to one hundred twenty (120) hours for hours between three hundred sixty-one (361) and four hundred eighty (480); the maximum payout will be one hundred twenty (120) hours.
- B. For Active regular Full-Time and Part-Time A employees as of June 25, 2005: The dollar values for eligible unused sick leave earned by employees are capped at the dollar value as of the last pay period in the fiscal year, June 25, 2005. The dollar value is determined by taking the employee's base hourly rate on June 25, 2005 multiplied by hours in excess of three hundred sixty (360) up to a maximum of seven hundred twenty (720) hours. To receive this benefit, employees who had dollar values for their eligible unused sick leave as of June 25, 2005, must separate service in good standing. It is not required that the employee retire as required by Rule 8. Section 7. A. If an employee had a capped value of \$0.00 on June 25, 2005, the process of calculating eligible unused sick leave falls under Rule 8. Section 7. A.

The capped value will be paid at time of separation in good standing.

- C. Exceptions:

IF at the time of separation:

- The value calculated by Rule 8 Section 17 paragraph A above is more than the capped value, the employee will receive this value;
- The calculated value is more than Rule 8 Section 17 paragraph A, but less than the capped value, the employee will receive this value;
- The employee's accrued balance is less than 361 hours, no benefit will be paid.

The list of eligible employees with their dollar value is available through Human Resources and payroll.

- D. Definition of Good Standing: For the purpose of this section, good standing is not defined as involuntarily terminated or resignation in lieu of termination. Exception: employees affected by a Reduction in Force who were not involuntarily terminated or resigned in lieu of termination due to a disciplinary action.

SECTION 8. Bereavement (Funeral) Leave: Bereavement leave shall be granted under the following conditions:

- A. In the event of a death within an eligible employee’s immediate family, the employee may be eligible for up to three (3) consecutive scheduled workdays from and including the date of death through the first scheduled workday following the funeral.

Upon request, an additional two (2) working days may be granted for leave if travel distance of 200 or more miles on a one-way basis is required.

- B. In the event of a death of an employee's family member outside the immediate family, the employee may be eligible for one (1) day of Bereavement leave pay (the day of the funeral) provided the other family member definition is met.

Upon request, an additional two (2) working days may be granted for leave if travel distance of 200 or more miles on a one-way basis is required.

- C. For the purpose of administering this Section, the following definitions will apply:

<u>Immediate Family Member</u>		<u>Other Family Member</u>
Parent (in-law)	Step-brother	By blood, adoption or marriage
Stepparent	Step-sister	
Child	Half-brother	
Stepchild	Half-sister	
Brother (in-law)	Spouse	
Sister (in-law)	Grandchild	
Grandparent (in-law)		

Exceptions to immediate family or other family definition must be recommended by department director and approved by City Manager.

- D. Bereavement leave benefits shall not be paid for any day (or hours thereof) on which the employee is not scheduled for work.
- E. Employees may be eligible for leave with pay on a Saturday and/or Sunday if they meet the eligibility requirements and the Saturday and/or Sunday would have been a scheduled work day for that employee.
- F. Authorization for leave under this section will be completed on a [Request for Bereavement Leave](#) form.

An employee may be required to supply proof of death and relationship if requested to do so.

- G. Bereavement leave pay for all leave eligible employees will be computed as follows.
 - 1. Employees will be paid on the basis of their regular rate times their regular work schedule for the days which Bereavement is utilized.

2. Leave hours will not be counted as hours worked for the purpose of computing overtime pay.
 3. Hours will be pro-rated for Three-Quarter and Part-Time A classifications.
- H. Upon approval of the supervisor, an eligible employee may use his/her sick or vacation leave, compensatory time or unpaid leave when additional bereavement time is needed.

SECTION 9. Leave for Jury Duty: An employee summoned for duty as a juror shall appear as required for such duty and shall receive up to eight (8) hours leave with pay per day of jury duty. The employee on jury duty during regularly scheduled work hours shall remit the fees paid for such jury duty to the City (employee retains any mileage, lodging, and per diem/meals paid).

- A. When an employee is summoned for jury duty, he/she shall provide a copy of the summons to the supervisor. The employee will indicate the dates and times attended by writing in "Jury Duty" on their bi-weekly time sheet.
- B. When the employee's presence as a juror is not officially required during regular work hours, the employee shall return to work until again called. However, an employee shall not be required to return to work if, because of the remoteness of the location of such work, the employee cannot respond to a call to return to jury duty with timeliness, or the employee cannot arrive at work at least one (1) hour before the end of a regularly assigned work shift.
- C. An employee on jury duty during regularly scheduled time off, or on approved vacation leave or leave without pay, may keep any monies paid by the Courts.

SECTION 10. Leave for an Employee Subpoenaed to Appear as a Witness: An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal, when it relates to City business, shall be entitled to civic duty leave with pay.

- A. The supervisor may authorize civic duty leave for an employee subpoenaed when such absence is for purposes which comply with this policy. The supervisor may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate.
- B. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal or for non-City business shall not be entitled to civic duty leave with pay.
- C. An employee who is paid a fee for an appearance as an expert witness while on civic duty leave shall remit such fee to the City.

SECTION 11. Time Off for Voting: Every City employee is encouraged to exercise the right to vote in all public elections. To comply with Arizona state law, the City of Kingman shall allow employees paid leave from work when the following conditions are met:

- A. Any employee eligible and registered to vote in any public election held within this state may request time off for voting.

- B. There is less than three (3) consecutive hours between the opening of the polls and the beginning of the employee's regular work shift or less than three (3) consecutive hours between the ending of his/her work shift and the closing of the polls.
- C. General Provisions:
 - 1. The employee must obtain written approval before the day of the election by completing a [Request for Leave or Approved Absence](#) form.
 - 2. Two (2) hours is the maximum time allowed for voting. The time off with pay must be used to vote.
 - 3. If so requested, an employee must be able to show proof of being a registered voter.

SECTION 12. Industrial Leave: All employees are covered by the City under the Arizona State Worker's Compensation Act for approved injury, illness or disease occurring in the course of City employment. The law provides for payment of approved medical expenses and, under certain circumstances, compensation for loss of income.

- A. Definition: If an employee is absent from work as a result of any injury, illness, or disease that is covered under the Arizona State Worker's Compensation Act, the absence is considered industrial accident leave.
- B. Any absence meeting the definition of FMLA may be considered as qualifying under the Family Medical Leave Act (FMLA).
- C. Every employee shall immediately report every job-related injury or illness, regardless of severity, to his/her supervisor. The supervisor shall report the incident to Human Resources/Risk Management within twenty-four (24) hours.
- D. Incidents must be reported to Human Resources/Risk Management immediately of any work related fatality or incident involving three (3) or more employees who require in-patient hospitalization. These incidents must be verbally reported to federal and state OSHA agencies within eight (8) hours of the incident.
- E. Schedule of compensatory benefits:
 - 1. Absences the day of the incident, the employee will be paid hours lost for their regular work day.
 - 2. For absences up to thirteen (13) calendar days, worker's compensation income begins on the eighth (8th) day.
 - 3. For absences of fourteen (14) or more calendar days, worker's compensation income is made retroactive to the date of injury or illness in accordance with state law.
 - 4. Absences of one (1) to seven (7) calendar days are not eligible for worker's compensation income. However, employees with leave benefits must exhaust accrued sick leave benefits followed by accrued vacation leave.

5. Absences of eight (8) to thirteen (13) days, worker's compensation income will be considered after the thirteen (13) day will be retroactive to the eighth (8) day of absence.
- F. When a work related injury results in absence from work for fourteen (14) or more consecutive calendar days, an employee may qualify for temporary disability payments equaling 66 2/3 percent of the employee's average monthly wage subject to a maximum amount as specified by law. Compensation incomes will be retroactive to the first day of absence.
- G. An employee receiving temporary disability payments under the worker's compensation laws may elect to use accumulated leave in order to continue to maintain his or her regular net income. The employee is to contact Human Resources to make arrangements. Any accrued leave used in which the absence qualifies for temporary disability will be reverted back to the employee's leave balances.
- H. Actual accumulated leave hours used to supplement temporary disability payments must be calculated to come near approximation of the employee's regular base net salary as disability payments are not subject to tax withholdings or retirement contributions.
- I. Members of the AZ Public Safety Personnel Retirement System may elect to continue retirement contributions while receiving temporary disability payments. The employee is to contact Human Resources.
- J. Members of the AZ State Retirement System may not elect to continue retirement contributions from temporary disability payments.
- K. Retirement contributions must be withheld from any accrued leave used to supplement disability payments.
- L. An employee receiving worker's compensation temporary disability payments, and not supplementing their income with accumulated leave, shall be placed on a leave of absence without pay and will not accrue leave benefits or receive pay for holidays for any pay period they do not actually perform their duties.
- M. FLSA Exempt employees who are receiving worker's compensation temporary disability payments and not supplementing their income with accumulated leave shall be placed on a leave of absence without pay for weeks in which they perform no work. While on a leave of absence without pay, FLSA exempt employees will not accrue leave benefits or receive pay for holidays for any week in which they do not actually perform their duties.

SECTION 13. Returning from Industrial Accident Leave: An employee is expected to notify the City of the expected date of return to work from an on the job injury or illness. Returning from industrial accident leave shall include a written release from the attending physician. The release must give the date of return to work, stipulate any restrictions to work performance, and expected duration if restrictions, as well as, any known accommodations that would enable the employee to safely perform the job. Refusal to accept a restricted or modified duty assignment may result in reduced benefits and/or dismissal

- A. An employee released for work with no restrictions can perform the regular job. Employees in this category shall return to work according to the provisions of the medical provider.
- B. The employee is released to return to work, but has specific restrictions outlined by the medical provider. The City shall attempt to find meaningful modified duty work for the employee to perform during the recuperation period.
- C. Employees who cannot be safely accommodated in the position occupied at the time of injury will be afforded the opportunity to perform other work within the employee's capabilities, if available. This work will be of benefit to the City; not just busy work, and may include duties or tasks the department needs to have performed. The work provided will conform to any and all medical provider restrictions.
- D. A department that cannot offer an employee modified/restricted duty within the employee's restrictions will refer the employee for suitable placement in another department through the assistance of Human Resources/Risk Management, if this option is available.
- E. All modified/restricted duty will be evaluated on a case by case basis and may include input from the City's worker's compensation carrier. There is no guaranteed time period for modified/restricted duty assignments; the City of Kingman reserves the right to discontinue assignments at any time.
- F. Employees returned to work on restricted/modified duty with temporary restrictions, will continue to occupy the same position held prior to the injury or illness and will continue to be paid the same base hourly rate. This will apply regardless of whether the employee has been accommodated in the same position, or has been given a completely different assignment.
- G. The employee's status should be monitored weekly by the current supervisor to ascertain the employee's ability to perform the modified duty, and any changes that need to be made in the assignment. If the employee was placed in another work unit, monitoring the employee's status will be the joint responsibility of both the current and former supervisor.

SECTION 14. Administrative Leave With Pay: Administrative leave with pay may be given to an employee by the supervisor, Human Resources Director, or City Manager when it is determined to be in the best interest of the City.

- A. An employee can be relieved of his/her duties for up to five (5) working days pending an investigation regarding any matter. Such relief of duty will be at full compensation to the employee.
- B. Leaves with pay extending beyond five (5) working days require prior approval by the City Manager.

SECTION 15. Leave without Pay: An employee may submit written request for leave without pay. All requests for leave without pay shall be made with at least two (2) weeks advance notice and with approval by their supervisor and the City Manager.

- A. Approval will be subject to determination that such leave is in the best interest of the City and/or does not adversely affect its operation for the following reasons:
 - 1. To run for elective office.
 - 2. To receive an education that will improve the employee's value to the City. The request for leave shall include the length of time to be taken, course work, and the benefit to the City.
 - 3. For military leave beyond those prescribed by federal and state law.
 - 4. Humanitarian reasons.
 - 5. For other reasons approved by the supervisor, Human Resources Director, and the City Manager.
- B. An employee on a leave of absence without pay shall not receive pay for holidays or accrued leave benefits.

SECTION 16. Administrative Leave Without Pay: Administrative leave without pay may be given to an employee by the supervisor, Human Resources Director, or City Manager when it is determined to be in the best interest of the City.

- A. An employee can be relieved of his/her duties for up to ten (10) working days as a result of a disciplinary action or other reasons related to the employee's performance. Such relief of duty may be appealed to the Personnel Board, see [Rule 24. Appeal Procedures and Rights](#).
- B. Leaves without pay as a result of disciplinary action or related to the employee's performance extending beyond ten (10) working days require prior approval by the City Manager.

SECTION 17. Unpaid Family and Medical Leave Act: An employee may be granted a leave of absence without pay for up to twelve (12) weeks in any twelve (12) month period under the provisions of the Family and Medical Leave Act (FMLA) of 1993 for the following reasons:

- 1. Birth or adoption of a child;
 - 2. To care for a spouse, son or daughter (a biological, adopted, or foster child, a stepchild, or a legal ward, who is either under age 18, or 18 or older and incapable of self-care because of a mental or physical disability as regulated by the Americans with Disabilities Act), or parent (a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined above) with a serious health condition; or
 - 3. To care for the employee's own serious health condition.
- A. When an eligible employee is on leave for any of the above reasons, the City shall preliminarily designate the leave as FMLA leave, even if the employee has failed to

request leave under this provision and any time, each day, or part thereof, of FMLA leave will also be charged to the employee's sick leave accrual bank and when exhausted, vacation leave accrual.

- B. Under the provisions of FMLA, the City has determined that the "rolling backward" twelve (12) month period shall be used to calculate an employee's FMLA absence entitlement. Under the rolling backward method, each time an employee takes FMLA leave the remaining leave entitlement will be any balance of the twelve (12) weeks which has not been used during the immediate preceding twelve (12) months. Once an employee has used the twelve (12) week entitlement, the determination of when additional leave may be granted shall be made by counting backward twelve (12) months from the date on which the employee last used FMLA leave.

The Servicemember Family leave allows an employee to take up to twenty-six (26) weeks in a twelve (12) month period. The same "rolling backward" twelve (12) month period shall be used to calculate an employee's entitlement.

- C. The Family and Medical Leave Act (FMLA) is a federal law which requires employers to grant job-protected leave to employees who meet FMLA's eligibility requirements.

1. Reasons for Qualified FMLA Absence: The law entitles eligible employees to an absence of up to a total of twelve (12) workweeks of unpaid leave in any twelve (12) month period for any of the following reasons:

- a. Inpatient care, any period of incapacity from a condition requiring inpatient care, including recovery from the condition;
- b. The birth of a child, and to care for the newborn child;
- c. The placement with the employee of a child for adoption or foster care;
- d. Necessary care for the employee's spouse, child, or parent with a serious health condition, or an adult child who cannot care for himself or herself; or
- e. A serious health condition that makes an employee unable to perform the functions of the employee's job.
- f. Call to duty leave for qualifying exigencies related to active duty status of the employee's spouse, son, daughter, parent called to active duty. Qualifying exigency FMLA leave must fit into the following :
 - When the servicemember has received a week or less in notice of deployment;
 - For military events and related activities;
 - For urgent (as opposed to recurring and routine) child-care and school activities;
 - For financial and legal tasks to deal with family member's active duty;
 - For counseling for the employee or child who isn't already covered by FMLA;

- To spend time with the covered servicemember on rest and recuperation breaks during deployment;
 - For post-deployment activities; and
 - For other purposes arising out of the call to duty, as agreed upon by the employee and employer.
2. Servicemember Family Leave: entitles an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member to an absence of up to a total of twenty-six (26) workweeks of unpaid leave in a single twelve (12) month period for the following reason:
- a. To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. The serious illness or injury must have occurred in the line of duty on active duty, as determined by the Department of Defense, that may render him/her medically unfit to perform the duties of his/her office, grade, rank, or rating.
 - b. An employee may be entitled to a combined total of twenty-six (26) work weeks in a single twelve (12) month period when using leave under 1 and 2 of this section.
3. If a husband and wife both work for the City, they are limited to a combined total of twelve (12) workweeks (or 26 workweeks for Servicemember Family Leave) for a FMLA absence for the birth or the placement of a child for adoption or foster care, the serious health condition of a child under age 18, an adult child who cannot care for himself or herself. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill and unable to work, or to care for a child with a serious health condition.
- D. Definition of A Serious Health Condition: The FMLA permits an employee to use FMLA leave for a serious health condition of the employee, the employee's parent, spouse, or child. A serious health condition is defined as an illness or injury that requires inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility including recovery. An episode of inpatient hospitalization is covered regardless of duration. Otherwise, a period of incapacity must be for more than three (3) consecutive calendar days and must also involve one or more of the following:
- 1. Incapacity for more than three (3) consecutive days that includes: two (2) or more treatments by a health care provider (within three (3) days of the first day of incapacity); OR treatment on at least one occasion which results in an ongoing regimen of treatment. The first or only in-person treatment visit must take place within seven (7) days of the first day of incapacity, unless extenuating circumstances exists.
 - 2. Chronic or permanent conditions includes: conditions requiring periodic visits (at least twice a year) for treatment, continue over an extended period of time and

may cause episodic incapacity; OR incapacity due to a condition which is not curable but which requires medical supervision.

3. Prenatal treatment and pregnancy: any period of incapacity due to a pregnancy or for prenatal care.

- E. Eligibility: To be eligible for FMLA leave, an employee must have been employed at least twelve (12) months and have worked at least twelve hundred fifty (1,250) hours during the twelve (12) months preceding the start of the leave. Employment as an intermittent or temporary employee counts towards hours worked.

The determination of whether an employee has worked the required number of hours must be calculated from the date that the leave is scheduled to begin. For example, if an employee requests a FMLA absence before becoming eligible, but will have worked the required number of hours by the time the leave is scheduled to begin, the employee shall be deemed to have satisfied the required number of hours. Directors and supervisors responding to requests for time off must have the employee's personnel records checked to determine whether these requirements have been met. The City may not deny the leave unless its records clearly demonstrate that the employee has not worked the minimum total of twelve (12) months and/or that the employee did not work at least 1,250 hours during the preceding twelve (12) months. The burden is on the City to demonstrate that the employee does not meet the requirements. If there is no documentation to support these conclusions, the employee is entitled to a FMLA absence.

- F. Employee's Pay: The FMLA leave of absence is unpaid. The employee is required to exhaust all accrued sick and vacation leave balances before leave will be unpaid. This applies to all eligible exempt and nonexempt employees on intermittent or full time FMLA.

G.

- H. Leave Request Procedure: In the case of foreseeable FMLA leave, an eligible employee must give at least thirty (30) days advance notice using the [Request for Leave or Approved Absence](#) form. When unforeseen events prevent advance notice, employees must give notice as soon as practicable. Except in cases of extreme medical emergencies, the employee is expected to advise his/her supervisor as soon as he/she knows of the need for leave and expected duration of the leave. The employee is required to submit certification from a health care provider to support the FMLA leave request when the leave is needed either to care for the employee's seriously ill spouse, son, daughter, or parent, or for the employee's own serious health condition. Whenever practicable, certification must be provided within fifteen (15) calendar days. Medical certification forms can be acquired through the Human Resources department.

- I. Use of Second and Third Opinions: If the City has reason to doubt the validity of a medical certification supporting a request for FMLA leave, the City may require the employee to obtain additional information or see another physician for a second opinion. The City shall pay the cost for the second (and third, if needed) medical opinion. Pending receipt of the second opinion, the employee is provisionally entitled to the FMLA absence. If it is determined that the employee is not entitled to the requested FMLA leave, the employee's absence shall be treated as paid or unpaid leave.

If there is a conflict between the first and the second opinions, the City may require a third opinion. The third health care provider must be designated or jointly approved by the employee and the City. The third opinion is binding. The City must reimburse an employee or family member for reasonable travel expenses incurred to obtain a second and third medical opinion.

J. Intermittent FMLA Leave: Whether an employee is exempt or nonexempt, intermittent or reduced schedule leave is a leave of absence combined with periods of regular paid employment and is allowed in cases of medical necessity. Certification from a health care provider is required to document the medical necessity. Description of the treatment regimen provided to the employee or family member must be noted on the Department of Labor Certification of Health Care Provider form. An employee working a reduced schedule due to a serious health condition is eligible to receive donated hours for that portion of time during the week(s) the employee is unable to work (less any accrued time earned during that period). An employee, whether exempt or non-exempt, working on a reduced schedule for any reason shall be paid only for actual hours worked. All hours not physically worked by the employee shall be counted toward the twelve (12) weeks of leave entitlement.

K. Re-Certification of FMLA Leave: For conditions under the continuing supervision of a health care provider, including pregnancy, recertification may be requested no more than once every thirty (30) days and only in connection with an absence by the employee. Recertification can also occur when circumstances described by the previous certification have changed significantly. For chronic or permanent conditions, recertification may not be requested more than once every six (6) months.

If the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than thirty (30) days, recertification may not be requested until the minimum duration has passed or circumstances have changed significantly.

Recertification can occur at any time reasonable and serious doubt has been cast upon the continuing validity of the certification.

L. Return Provision: When a FMLA absence is requested for the employee's own serious health condition, the employee may be required, prior to returning to work, to provide medical certification from a health care provider indicating that the employee is fit to resume work. An employee must be notified if the City will require a fitness for duty certification. Any City requirement for a fitness for duty certification must be job-related, consistent with business necessity, and may be required only with regard to the particular medical condition that caused the need for the FMLA absence.

M. No Loss of Accrued Benefits During Leave: An employee on a FMLA absence does not lose any "employment benefits" received prior to the FMLA absence. The term "employment benefits" is broadly defined to include all retirement, health, disability, and life insurance benefits. Furthermore, commendations, bonuses, and awards for perfect attendance may not be jeopardized by a FMLA absence. A FMLA absence may not be counted against an employee as a leave occurrence for attendance control purposes.

During an unpaid FMLA absence, the employee shall continue to receive group health coverage on the same terms and conditions as employees not on FMLA leave, unless the employee elects not to continue coverage.

The City and employees shall continue to bear their share of health plan costs during a FMLA absence, but the City is entitled to recover costs incurred during the absence if the employee fails to return to work from a FMLA absence for a reason other than as a result of a serious health condition or other circumstances beyond the employee's control. An employee who returns to work for at least 30 calendar days is considered to have returned to work and is therefore not liable for any health plan costs the employer may have paid during the employee's FMLA absence. Also, an employee who retires directly from a FMLA absence or retires during the first 30 calendar days after the employee returns to work is deemed to have returned to work and is not liable for any health plan costs the employer may have paid during the employee's FMLA absence.

An employee using paid leave concurrently with a FMLA absence is entitled to the accrual of any seniority or employment benefits that the employee who remained continuously at work would have received (e.g., earning of vacation and sick leave, payment of holiday leave when it occurs, earning of seniority credit, etc.).

If the FMLA absence is unpaid, the employee is NOT entitled to the accrual of leave benefits that an employee who remained continuously at work would have received. An employee who is on unpaid FMLA leave does not receive payment for a holiday.

- N. Job Restoration Upon Return from a FMLA Absence: An employee who is returning from an approved FMLA absence must be restored to the same or an equivalent position. An "equivalent" position is one with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must ordinarily be on the same shift or work schedule as the position held by the employee prior to the FMLA absence and must be located in a geographically proximate work site.

The City is obligated to place the employee in the same or equivalent position even if the City has hired a replacement worker during the FMLA absence. If the City eliminates the position of an employee who takes a FMLA absence (e.g., by redistributing the work to other employees or by eliminating a shift), it must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

- O. Key Employees: The FMLA provides that key employees (those compensated within the top ten percent) do not have to be returned to their jobs after using FMLA leave if their absence would cause substantial and grievous economic injury to the employer's operations. The City does not distinguish between regular and key employees.
- P. Notice Requirement if an Employee's Request Qualifies for FMLA: Whenever an employee's absence qualifies under FMLA, the City, through Human Resources, is required to give employees written notice detailing what employees must do and explaining any consequences for failing to comply with these requirements.

Q. Unlawful Acts by Employers: The FMLA provides protections which are afforded primarily to those who request leave or assert FMLA rights. The law prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights.

R. Employee Responsibilities:

1. Foreseeable Absence Notice: The FMLA requires that whenever the necessity for a FMLA absence is foreseeable, the employee shall provide not less than thirty (30) days notice before the absence is to begin. As a general rule, thirty (30) days notice shall be required in cases involving the birth, foster care, or adoption of a child or planned medical treatment for an employee or an employee's family member's serious health condition. Failure to provide thirty (30) days notice for foreseeable absence, may result in denial of the leave for FMLA protection.
2. Non-Foreseeable Absence: In those cases where thirty (30) days notice is not practical, an employee, or a representative of the employee (in situations where the employee cannot reasonably be expected to request the leave) is required to give notice no later than one (1) or two (2) business days after learning of the need for the absence. If an employee is unable to give advance notice because the need was not foreseeable, but gives notice within two (2) business days of returning to work, the time off may be treated as a FMLA absence. This in no way negates or supersedes the employee's responsibility to call in their absence in accordance with the City's attendance policy, see Section 2 of this Rule.
3. Medical Certification Required: The employee is responsible for providing the City with complete medical certification of a serious health condition by having the health care provider complete the Certification of Health Care Provider. The employee must provide the requested form within fifteen (15) calendar days after the request, unless it is not practicable. An employee may be required to report periodically to the City on his or her status and intention to return to work.
4. Notice of Changed Circumstances: If the employee needs to extend the length of the requested FMLA absence, or if the absence as originally requested is no longer necessary, an employee shall, if the changed circumstances are foreseeable, provide notice within two (2) business days.
5. Foster Care Requests: If an employee requests leave to provide foster care for a child, the employee shall demonstrate that he or she is doing so under an official agreement with the State or pursuant to a judicial determination. However, an individual who stands in "loco parentis" (is acting as a parent) may provide care to a child who has a serious health condition, regardless of formal adoptive or biological ties.
6. Definition of Spouse and Family Members: An employee, who seeks to use FMLA leave in connection with a serious health condition of the employee's spouse, must be married within the meaning of that term in the jurisdiction in which the employee resides.

For purposes of confirming the existence of a qualifying family relationship, an employee shall provide reasonable documentation (i.e., child's birth certificate,

court document and/or a statement of a qualifying family relationship) within one pay period following the employee's request for leave.

The FMLA does not authorize leave to care for any family member other than the employee's child, spouse, or parent.

The Servicemember Family Leave does not authorize leave to care for any family member other than the employee's child, spouse, parent, or next of kin.

- S. Responsibilities of Department Directors and Supervisors: The department directors and supervisors, in consultation with Human Resources, are responsible for obtaining and evaluating information to determine whether a FMLA absence can be used. In all circumstances, it is the employer's responsibility to designate leave as FMLA qualifying, and to give prompt notice of the designation to the employee. Department directors and supervisors are the persons who must secure the information from employees which allows a determination that the leave is or is not FMLA qualifying. With certain exceptions, the City's determination must be rendered within two (2) business days of learning the reasons for the request. Although employees are required to provide enough information to establish their FMLA absence eligibility, their requests for time off do not have to specifically request FMLA leave. Each department must obtain the required information and decide whether a FMLA absence is appropriate.

As the persons with daily contact with employees, department directors and supervisors will be the individuals most often approached by employees seeking to take time off. To ensure compliance, department directors and supervisors must act quickly to inquire further and gather required information to respond appropriately to these requests. When an employee makes a request for time off, a department director or supervisor will:

1. Ask appropriate questions about the reasons for the employee's time off;
2. Recognize that a request for time off, whether paid or unpaid, or used as sick or vacation time, can be counted as an FMLA absence;
3. Promptly consult with Human Resources to determine if the absence may be a qualifying FMLA event.

- T. On or Off the Job: The FMLA provides that a serious health condition may result from injury to the employee on or off the job. If the employer designates the leave as FMLA leave the employee's twelve (12) week leave entitlement may run concurrently with a workers compensation absence when the injury is one that meets the criteria for a serious health condition. If a health care provider treating the employee for an off-the-job injury certifies the employee is able to return to light duty, the employee may decline the employer's offer of a light duty job. Consequently, the employee may lose the right to worker's compensation payments, but is entitled to remain on unpaid FMLA leave until the twelve (12) week entitlement is exhausted.

- U. Notification: Employees will be notified in writing by the Human Resources Department of the terms and conditions of their leave. This written notice will reflect the decision of the supervisor in consultation with Human Resources.

SECTION 18. Victim Leave: An employee may be granted a leave of absence 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. 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 City.

- A. All records regarding an employee’s victim leave shall be considered confidential and maintained in a separate department personnel file.
- B. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.
 - 1. “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 incapacitated, the person’s immediate family or lawful representative.
 - 2. “Immediate family” means a victim’s spouse, parent, child, sibling, grandparent or lawful guardian.
 - 3. “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.
 - 4. Exception: a family member is not entitled to take victim leave who is in custody for an offense or is the accused.
- C. Employee’s option for pay: Victim leave is unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need be exhausted before victim leave begins.
- D. 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.
- E. Leave request procedure: An eligible employee shall provide the Department with the following documentation before victim leave is granted:
 - 1. A copy of the notice from law enforcement or the prosecutor regarding the employee’s status as a crime victim; and
 - 2. A copy, if applicable, of the notice of any scheduled proceeding; and
 - 3. A [Request for Leave or Approved Absence](#) form.

SECTION 19. Uniformed Services Employment and Reemployment Rights Act/Military Leave:

- A. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) prohibits employers from discriminating against employees who fulfill non-career military obligations in the Uniformed Services (such as the National Guard) and requires employers to provide a leave of absence to allow employees to perform their

military obligations. This rule establishes the City's policy pertaining to military leave for City employees who are members of the Uniformed Services.

- B. This policy complies with the requirements of USERRA. The City will defer to USERRA for all interpretive discrepancies and in other matters covered by USERRA but not included in this policy. The City Manager may amend at any time the benefits extended by this policy that go beyond those required by USERRA.
- C. Definitions:
 - 1. USERRA – Uniformed Services Employment and Reemployment Rights Act of 1994.
 - 2. Active Duty Reserve Training – Reserve training as required by military orders typically to attend at least fifteen (15) days of annual, regularly scheduled reserve training.
 - 3. Active Duty for Special Work – Reservists who are called up by the State to perform special full-time military service including but not limited to airport security and counter drug programs.
 - 4. Federal Active Duty – Reservists who are called up by federal orders and become members of one of the armed services. Federal active duty is typically unscheduled and for an extended duration. Such active duty obligations may occur in response to state/national disasters, threats, or wars.
 - 5. Uniformed Services – The Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and the Commissioned Corps of the Public Health Service. It also includes the Reserves of the Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as any other category of persons designated by the President in time of war or emergency.
 - 6. Service in the Uniformed Services – The performance of duty on a voluntary or involuntary basis, including federal active duty, active duty for reserve training, and active duty for special work. It also includes time that an employee is absent from work for an examination to determine if he or she is fit for any of the above referenced types of duty, and for funeral honors duty performed by members of the National Guard or Reserves.
 - 7. Other Service - Any other categories designated by the President in time of war or emergency.
- D. This policy applies to all city employees (including all part-time employees) who are also members of one of the Uniformed Services.
- E. An employee who is leaving to perform military service must provide advance notice to his/her immediate supervisor. The employee must submit a leave request form and attach a copy of the relevant military orders unless doing so is precluded by military necessity.
- F. All reservists called to federal active duty will be asked to review and sign a check sheet (see Attachment A) prior to leaving for service to ensure they understand their rights, benefits, and their obligations for reporting back to work as stipulated in this policy and the USERRA.

G. Active Duty Reserve Training:

1. An employee who is required to attend annual active duty reserve training shall be granted military leave with pay for a period not to exceed thirty (30) days in any two (2) consecutive years. Military leave with pay includes only those days and times the employee is regularly scheduled to work. For calculation purposes, the year will begin October 1, pursuant to Arizona Revised Statutes (ARS).
2. A full-time employee will receive his/her regular base salary for the allowable time absent due to annual active duty reserve training obligations. A part-time employee will receive his/her part-time base salary. The compensation received from the armed services for such training will be retained by the employee. Upon prior approval by the Department Director in consultation with the Human Resources/Risk Mgt Director, employees may elect to use accrued vacation leave or choose general leave without pay for leaves which extend beyond this period.
3. During any period of approved unpaid leave, the employee will be placed on a Leave of Absence status and if eligible, offered COBRA, be responsible for all voluntary premiums, statutory obligations, and will not accrue leave benefits. Unpaid leave is not subject to ASRS/APSRS contributions.

H. Federal Active Duty/Active Duty for Special Work:

1. An employee called up for federal active duty or active duty for special work will be compensated at his/her base pay rate for any unused military duty training leave time in accordance with subparagraph D above (up to thirty (30) days in a two (2) year period, the year will begin October 1).
2. [City Resolution #3819](#) provides continuation of regular base salary and group health insurance for regular benefit eligible employees who are absent and called to federal active duty/active duty for special work.
 - a. An employee who receives benefits under Resolution #3819 will be required to reimburse the City for any compensation received for military service, with said reimbursement to be made on a monthly basis.
 - b. An employee who receives this benefit will be required to pay his/her regular share of the group health plan premiums with premiums due the first of each month for that month's coverage.

I. The employee will not accrue vacation and sick leave during the time spent on unpaid leave during active duty.

J. The employee who is on unpaid military leave, under this section, has sixty (60) days to elect COBRA for continuation of group health coverage for a period of up to eighteen (18) months from the onset of military leave or unpaid leave whichever is later. See the City's Personnel Rules for policy on COBRA rights. The employee will be required to pay the full cost of the premium plus 2% to cover the City's administrative costs.

K. At the completion of military service, when the benefit eligible returns to work, the employee must re-enroll for group health coverage within thirty-one (31) days of

reinstatement. If this window to re-enroll is missed, the employee will have to wait until the next open enrollment period to select group health coverage with the City

- L. The employee may choose to continue any voluntary supplemental insurance policy program on their own.
- M. The employee's life insurance will cease but will be reinstated immediately upon return from active duty.
- N. As stipulated in USERRA, the cumulative length of a person's absence from a position due to military service may not exceed five (5) years.
- O. Re-Employment Rights:
 1. The employee must notify his/her supervisor of the intent to return to work (or physically return to work) upon the completion of a period of service greater than thirty (30) days in the uniformed service.
 2. Returning employees must provide documentation of the length and character of their uniformed service. When such documentation is unavailable, the City will re-employ the individual until the documentation becomes available.
 3. The time limit for reporting back for work is determined by the length of his/her required military absence in accordance with the following guidelines:

Length of Military Service	Employee's Obligation to Report to Work
1-30 days	(1) An employee must report for work no later than the first full regularly scheduled work shift on the first full calendar day after service ended plus the time for safe transportation back to his/her residence and eight (8) hours of rest – OR (2) As soon as possible after the eight (8) hour rest period if, through no fault of the employee, it would be impossible or unreasonable to report within the time described in (1).
31 – 180 days	An employee must submit a written request for re-employment (or physically report for work) no later than fourteen (14) calendar days after completing service. If complying with this deadline is impossible or unreasonable through no fault of the employee, then on the next full calendar day when submitting the request becomes possible.
More than 180 days	An employee must submit a written request for re-employment (or physically report for work) within ninety (90) calendar days after completing service. If the 90 th day falls on a day when offices are not open, the time extends to the next business day.

4. The reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.
 5. An employee who fails to report to work or to apply for re-employment within the required time limits will be subject to the City's Personnel Rules governing unexcused absences.
 6. For absences of less than ninety-one (91) days, the employee will be reemployed back into his/her original position. For absences of more than ninety (90) days, the employee will be re-employed back into his/her original position or a position of like seniority, status and pay.
 7. An employee's merit increase(s) may be deferred upon their return for up to six (6) months. The employee will automatically receive all cost of living increases.
 8. Once the employee has returned to work, he/she cannot be terminated without cause for six (6) months if the military service was more than thirty (30) days but less than one-hundred eighty-one (181) days.
 9. Once the employee has returned to work, he/she cannot be terminated without cause for one (1) year if the military service lasted more than one-hundred eighty (180) days.
- P. Following a period of Federal Active Duty/Active Duty for Special Work, the City will retroactively pay the employee and City cost into the Arizona State Retirement System and Arizona Public Safety Retirement System that would otherwise have been made if the employee had not been absent because of military leave, not to exceed forty-eight (48) months. This time will count as credited service.
- Q. According to USERRA, a person who is a member of, applies to be member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, re-employment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, application for membership, performance of service, application for service, or obligation.
- R. USERRA also contains an anti-retaliation provision, which protects all employees who participate in the reporting, investigation, or filing of claims of violations of USERRA, regardless of whether they themselves performed uniformed service.
- S. The City's Human Resources Office will be responsible for investigating complaints brought forth under this section.

SECTION 20. General Provisions for Leaves Without Pay:

- A. An employee on a leave of absence without pay shall not receive pay for holidays or accrued leave benefits for any period lasting an entire pay period or more.

- B. An approved leave of absence without pay is considered a break in City service, with no credit given toward seniority unless the leave of absence without pay was for military leave services leave, FMLA, or Victims leave.
- C. A leave of absence without pay shall not be granted for an employee to engage in outside employment.
- D. An employee starting a leave of absence without pay, who wishes to continue coverage under the City's group insurance programs, other than for FMLA leave or qualified military leave, will receive notification of their rights under COBRA.
- E. A leave of absence without pay, when granted, must be continuous and may not be combined with paid time, except as set forth for intermittent FMLA leave.
- F. Any unauthorized absence of an employee from duty shall be considered an absence without leave, and the employee shall not be paid for such absence.
- G. Failure on the part of an employee, absent without leave, to return to duty within forty-eight (48) hours after written notice to return has been sent to his/her last known address, may be cause for immediate termination, and such employee automatically waives all appeal rights under these rules and regulations.

Rule 9. Travel Expense

SECTION 1. Expense Claims: Any employee of the City who presents an expense claim against the City must file a complete itemized statement, with a receipt for any money expended. Unless the claim complies with the provisions of this section, the employee shall be liable for the amount of the claim. All claims and expenses shall be presented within seven (7) working days of the expense of the employee's return, whichever is later.

SECTION 2. Out of Town Travel: (Amended 7/1/13)

- A. **Travel authorization:** No travel costs shall be paid unless a request for travel authorization is submitted in advance to the department director for approval except, when due to unforeseen circumstance. Payment for hotels or others costs should be in advance, if possible. The Finance Director shall review the request for travel authorization to ascertain the availability of funds.
- B. **Travel allowance:** Claims to the City for reimbursement of travel expenses while traveling on official business of the City shall be submitted by verified claim or statement and shall be computed in the following manner:
1. All travel expenses required for out of town travel shall be reimbursed based on actual costs supported by a receipt. Employees are required to take measures to seek advanced approval for travel expenses such as, but not limited to, registration, lodging, transportation, and meals. When actual lodging expense incurred covers more than the expenses of the individual employee, only the single room rate may be reimbursed.
 2. Employees are encouraged to use City provided transportation for out of town travel. Travel by the way of private transportation shall be reimbursed at the rate set by the Internal Revenue Service for the calendar year in which the travel occurred including parking and toll fees. When an employee uses private transportation for travel, reimbursable expenses shall be the lesser of either the lowest commercial airline round trip fare for the number of authorized travelers plus travel costs from airport to the meeting or appointment, or mileage as set by the IRS for the calendar year in which the travel occurred plus parking and toll fees. Expenses for taxi, bus or rented autos shall be accompanied by a receipt. When an employee uses private transportation when City transportation is provided, no reimbursement shall occur. When two (2) or more employees are attending training and private transportation is used, only one (1) employee shall make claim for mileage reimbursement regardless of whether both employees are traveling separately. Any exceptions shall be approved by the City Manager through Human Resources or Finance; such approval shall be made prior to commencement of travel.
 3. Reimbursement for airline travel of an employee on authorized business shall be restricted to the lowest available fare. Charter air travel for emergency purposes may be authorized by the City Manager.
 4. Per diem. Meals in connection with travel will be paid on the following basis. For travel involving overnight stay(s), the traveler shall be given a forty dollar

(\$40.00) per diem for meals. Per diem for part of a day shall be reduced on the following basis: \$10 breakfast, \$12 lunch, and \$18 dinner.

Commencing on or after September 1, 2013, meals in connection with travel involving overnight stay(s), the traveler shall be provided per diem in accordance to the United States General Services Administration (GSA) rates in effect at the time of travel based on the location of the work activities. GSA tables can be located at the links below:

- <http://www.gsa.gov/portal/content/101518>
- <http://www.gsa.gov/portal/content/104877>

Employees shall not be paid per diem for meals included, at no cost, as part of the program they are attending.

5. An employee making a trip not overnight shall be reimbursed only for actual reasonable expenses. Each claim shall be accompanied by a receipt.
6. Registration fees for conferences/seminars will be paid if accompanied by receipt. Registration fees should be paid in advance. No reimbursement will be paid for any meal included as part of the registration fee.
7. For travel as hours worked see [Rule 7. Compensation Plan](#).

SECTION 3. Use of City Fleet: Whenever possible an employee of the City shall use a City owned vehicle for transportation for City business, and no claim shall be made against the City for mileage reimbursement.

City employees are hereby notified that the City may utilize GPS tracking units, placed randomly in City vehicles, to assist in monitoring the use of City vehicles.

Employees are responsible for paying fines for traffic violations when such fines arise from the operation of a City vehicle. The City will not reimburse employees for such fines unless there are extenuating circumstances such as unknowingly driving a City-owned vehicle with defective equipment.

SECTION 4. Passengers in City Vehicles: Only City employees may be passengers in City-owned vehicles; however, non-City employees may be provided transportation if the vehicle is operated by a City employee, the transportation of the non-City employee relates to City business and falls within the employee's job responsibilities. See Rule 26. Volunteers. Section 8. Minors for special provisions regarding volunteers under the age of 18 who may be a passenger in a City vehicle.

Employees who seek to have passengers for non-City business must receive advanced approval. Permission is sought by completing the City's [Passenger Waiver](#) form.

SECTION 5. Use of Private Autos: No claim for mileage, gas, oil or repairs shall be allowed to any employee when a privately owned auto is used for City business unless specifically authorized in advance. Reimbursement for costs shall be at the mileage rate set by the IRS for the calendar year in which the travel occurred. Employees will not use City issued credit cards to purchase gas, oil, or repairs for their personal autos.

SECTION 6. Local Vehicle Use: Vehicles owned by the City are provided to employees for use in the performance of City business. Vehicles provided to employees shall not be used for personal purposes other than commuting for or de minimis personal use.

- A. An employee may commute in a City owned vehicle to and from work when:
1. Required to do so by their supervisor, and
 2. There is a bona fide non-compensatory business reason for the commuting. An employee would be classified as having a bona fide non-compensatory business reason to use a City vehicle if the employee has an occasion to respond to the following, or similar, examples during normal off-duty periods:
 - Conduct a building inspection
 - Respond to an emergency condition such as a broken water line, stopped up sewer line, acts of nature (wind, rain, snowstorms, earthquake, etc.)
 - Required regular attendance at scheduled City meetings
 - Required to report to a fire or crime scene
- B. Unless exempt from IRS Income Inclusion, employees who commute in City vehicles will be required to keep records and report the daily trips made in a City vehicle; or account for actual commuting miles traveled while using a City vehicle in accordance with the I.R.S. Rules.
- C. Exempt employees are those driving one of the following vehicles:
1. Clearly marked Police and Fire vehicles.
 2. Clearly marked Police and Fire vehicles must meet the following criteria:
 - Be owned by the City
 - Be used by a Police or Fire officer
 - Officer must be subject to call on a 24 hours basis
 - Not use vehicle for personal use
 - Be readily apparent the vehicle is a Police or Fire vehicle
 3. Vehicles designed to carry a load of over 14,000 pounds.
 4. Delivery trucks with seating for a driver plus a folding jump seat.
 5. Dump truck.
 6. Flat bed truck.
 7. Qualified specialized utility repair trucks.
 8. Some unmarked law enforcement vehicles.***
 - *** Unmarked law enforcement vehicle use must meet the following criteria:
 - Be used by full-time law enforcement employees of the City;
 - Be used by an employee who is responsible for the prevention or

investigation of crime;

- Be used by an employee authorized to carry firearms, execute search warrants and make arrests;
- The use must be officially authorized and incident to law enforcement activities.

D. Any employee not falling in the above classifications and who uses a vehicle for commuting or personal use, must make arrangements with the City Manager and the Finance Director for compliance with the Tax Rules on working condition fringe benefits.

E. The City will use one of the following rules regarding taxation for the personal use on a City owned vehicle.

- Commuting Valuation Rule - under the rule, a flat \$1.50 each way (\$3.00 round trip commute)
- annual Lease Value Rule
- Vehicle Cents-per-mile Valuation Rule

F. Most City employees using City owned vehicles will be required to use the Commuting Valuation Rule - Employees will have taxes withheld from their paycheck on the valuation of the commute.

G. The finance department will assist employees in determining the tax status they are subject to.

SECTION 7. Verification of Driver Information: Department directors shall ensure that anyone within his/her chain of command who drives a City vehicle or personal vehicle on City business is properly licensed to do so. Employees whose duties include driving personal or City vehicles for City business are required to inform the City within 24 hours if their license becomes suspended, revoked, cancelled or refused. The City will periodically verify employee motor vehicle records.

SECTION 8. Tobacco Products: At no time shall a City employee or a passenger in a City vehicle smoke or use other tobacco products.

Rule 10. Driver's Licenses

SECTION 1. Operator's (Driver's) Licenses: All operators of City vehicles shall hold a current Arizona operator's and/or other appropriate licenses at all times. Each calendar year, employees will be required to provide a five (5) year certified Motor Vehicle Department (MVD) record and record of such shall be maintained in the official personnel file located in Human Resources. All drivers shall be at least eighteen (18) years old.

SECTION 2. Suspension/Loss of License: A current employee will be prohibited from driving a City vehicle or conducting City business in a personal car if the employee loses their Arizona driver's license for any reason. This includes but is not limited to revocation or suspension by the Arizona Department of Motor Vehicles.

SECTION 3. Felony Conviction:

- A. An applicant who has applied for a position which essential function requires them to drive on City business will not be considered for that position if they have a felony conviction involving a motor vehicle within the last five (5) years.
- B. An employee with a felony conviction involving in a motor vehicle within the last five (5) years shall not be allowed to drive for the City in any capacity, and may be subject to discipline up to and including termination.

SECTION 4. Reporting: Any employee who is required to drive for the City on a regular, intermittent, or occasional basis to conduct City business and who receives, whether in a City vehicle or not:

- A. Notice that their license to drive has been suspended or revoked, and/or notice of citation for DUI, Extreme DUI, refusal to take or failure of an alcohol or drug test, illegal possession of alcohol or narcotics in a motor vehicle, open alcohol containers, reckless driving, fleeing or attempting to elude, or other citation of similar severity must report this to the supervisor and the Risk Manager, no later than the beginning of the first workday following receipt of the notice of suspension, revocation, restriction, or knowledge of expiration, or citation. Failure to do so will result in disciplinary action, up to and including termination.
- B. All moving violations or traffic citations in City vehicles are to be reported to the supervisor and the Risk Manager before the end of the shift.
- C. Any employee receiving a moving or traffic citation on duty and/or in a City vehicle will be the responsibility of the employee, not the City of Kingman.
- D. Special requirements for a conviction of Driving Under the Influence (DUI), Extreme Driving Under the Influence (Extreme DUI), or Driving Under the Influence of Drugs:

If the employee is in a driving position and receives a citation after hours and not in a City vehicle, at the sole determination of the department in consultation with Human

Resources, and an alternate position is available, following a conviction, employees in a driving position may be allowed to continue employment if the following criteria are met:

1. Prior to a determination by the court the employee maintains the right to drive while on duty. This may be via a “restricted driving privilege”.
2. After a conviction the employee maintains or regains the legal ability to drive while on duty within ninety (90) days.
3. The employee must agree to successfully participate in a City approved Employee Assistance Program treatment rehabilitation program and comply with the program conditions.
4. The employee must sign a “Consent to Release Information” document allowing the Substance Abuse Professional (SAP) to communicate the employee’s progress to the Risk Manager or designee.
5. The employee will be removed from any driving or safety-sensitive positions until released to drive for the City by a Substance Abuse Professional (SAP).
6. A Substance Abuse Professional must release the employee for driving while on duty within ninety (90) days of the date of the conviction.
7. The employee must agree to unscheduled alcohol and/or controlled substance testing for a minimum of six (6) tests in the first twelve (12) months. Additional unscheduled testing subject to this section shall not exceed sixty (60) months from the date the employee returns to work.
8. The employee agrees that the employee will pay the cost of the Substance Abuse Professional. The City will pay for random testing on City time.
9. The employee fully understands that if allowed by the department, this is a one time only opportunity.

Employees may:

- a. Be accommodated by their department by being placed in a non-driving/non safety-sensitive position if appropriate and available. (Not all departments will be able to accommodate).
- b. While under the care of a Substance Abuse Professional, the employee may use vacation, sick or unpaid leave until the Substance Abuse Professional has released them to a driving position. In no circumstances will this time be allowed to exceed ninety (90) calendar days commencing on the date of the conviction. Leave donations are not permitted under these circumstances.

SECTION 5. Exception to this Guideline: The employee may be subject to disciplinary action up to and including termination for any single or multiple number of events relating to this guideline at the sole determination by the department director or the City Manager based upon the following:

- A. The sensitivities of the position held by the employee.
- B. The specifics of the conviction are so egregious.
- C. The employee poses an undue risk or exposure to the City.
- D. Any citation for DUI, Extreme DUI, or other citation of similar nature is received during work hours and/or in a City vehicle.
- E. The employee has not been truthful and/or timely in their reporting.
- F. The employee has violated other City policies.
- G. The provisions of this Rule may be superceded by provisions of Rule 11. Drug Free Workplace if determined to be in the best interest of the City.

Rule 11. Drug Free Workplace

It is the City's intent and obligation to provide a drug-free, healthful, safe and secure work environment and to ensure compliance with the Drug Free Workplace Act of 1988. As a condition of employment, each employee agrees to abide by this policy. A violation of this agreement is grounds for discipline, up to and including dismissal. The City has a ZERO TOLERANCE philosophy on substance or alcohol abuse and promotes self-identification and training.

Employees may be disciplined pursuant this policy whether the event(s) in question arose from operating a vehicle or equipment and/or in the course of City employment or whether they occurred during the employee's personal time.

City employees who test positive for alcohol or drugs or who refuse to take a required alcohol or drug test during the course and scope of employment shall be terminated from employment. Employees arrested, charged or indicted for a drug or alcohol offense will be suspended without pay immediately pending further investigation and/or sentencing.

No employee shall possess alcohol or illegal drugs on City premise and/or within City equipment, buildings, and/or vehicles.

Violation of this Rule shall be grounds for termination.

Exceptions to this policy may be made for sworn police personnel in conjunction with an authorized and approved official operation and/or training program.

With respect to mandated drug and alcohol testing of CDL operators and FTA Transit and fleet personnel, the provisions of this policy affecting these employees complies with the Omnibus Transportation Employees Drug Testing Act of 1991, and the Drug-Free Workplace Act of 1988, and in accordance with Title 49 Code of Federal Regulations, Parts 40 as amended and 655, 382 and 391, Subpart H.

SECTION 1. Drug and Alcohol Coordinator: The City's designated drug and alcohol coordinator shall be the Human Resources/Risk Mgt Director or his/her designee.

SECTION 2. Coverage: This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

SECTION 3. Employees Subject to Testing: The post-accident and "reasonable suspicion" provisions of this policy shall apply to all City employees.

SECTION 4. Safety Sensitive Employees: In addition to post-accident and "reasonable suspicion," the positions noted below are designated as "safety sensitive" and shall be subject to the pre-employment and random testing of this policy:

- A. Sworn Police Personnel
- B. Communication Specialists Personnel

- C. Fleet Personnel
- D. Transit Operators
- E. Transit Personnel functioning as a Dispatcher
- F. Transit Superintendent
- G. Any position requiring a CDL License
- H. Any aquatics position requiring American Red Cross CPR, Rescuer, or First Aid training.

SECTION 5. Uniform Fire Personnel: All uniform fire personnel will be subject to pre-employment screen, post-accident and “reasonable suspicion” screening.

SECTION 6. Prohibitions: Employee abuse of alcohol or controlled substances compromises the safety of employees and the public it serves. The City of Kingman prohibits the manufacture, use, sale, distribution, presence in the body, and presence on City property of prohibited controlled substances and alcohol by all employees in the workplace. Additionally, no employee shall engage in off-duty illegal drug or alcohol activity.

SECTION 7. Supervisor Awareness: Supervisors shall be alert to detect the existence of alcohol or drug abuse or dependency problems affecting their employees and must report immediately to the Director of Human Resources or the City Manager any behavior which demonstrates the existence of these problems. Indications of such problems may include physical impairment and changes in physical appearance, excessive absenteeism, changes in employee behavior patterns and attitudes, unsafe or substandard job performance, as well as but not limited to, profuse sweating, speech difficulties, eyes (blood shot/glassy), dry mouth, odor of alcohol or other substance (marijuana).

SECTION 8. Alcohol Concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No 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.

SECTION 9. Alcohol On-Duty Use: No employee shall use alcohol while performing work assignments. No supervisor having actual knowledge that an employee has used alcohol within the previous four (4) hours shall permit an employee to perform or to continue to perform work assignments.

SECTION 10. Alcohol Use Following An Accident: No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

SECTION 11. Controlled Substance: 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 ability to safely operate a vehicle or equipment. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform work assignments.

SECTION 12. Prescription Medication: An employee shall inform his/her supervisor of any prescription medication that may adversely affect his/her work performance prior to performing any work. Use of any substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must be reported to their supervisor before operating any motorized equipment or vehicle of the City of Kingman. All uniform fire, sworn police, or communications personnel must also report prescription medication with a warning label as outlined above.

A legally prescribed drug means that the individual has a prescription or other written approval from a licensed physician for the use of such medication for a medical condition. Misuse or abuse of prescription medication while operating any motorized equipment or vehicle of the City of Kingman is strictly prohibited.

SECTION 13. Refusals: 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 of alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No supervisor shall permit an employee who refuses to submit to such tests to perform or continue to perform work assignments. Refusal to test shall constitute a positive result and shall be grounds for termination.

SECTION 14. Required Tests:

- A. Controlled substance testing shall be conducted based on the analysis of a blood, urine and/or hair 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 following controlled substances and their metabolites shall be performed: marijuana; cocaine; opiates; phencyclidine (PCP); and amphetamines.
- B. Alcohol testing shall be conducted by an evidential breath test (EBT), blood, urine and/or hair sample. The alcohol test identifies the concentration level of alcohol within the body.

SECTION 15. Testing Procedures: The procedures and supervisory responsibilities are defined for each required test as follows:

- A. Pre-employment testing: Following an offer of employment to a potential employee for any position identified as safety sensitive or uniformed fire and prior to the first day of employment, the following shall take place:
 - 1. The potential employee shall be informed that employment is conditional pending results of a controlled substance test.
 - 2. The controlled substance test must result in a verified negative. A potential employee who fails a pre-employment drug screen shall not be hired and shall be ineligible for future employment opportunities.
 - 3. Required pre-employment controlled substances testing shall be coordinated by the drug and alcohol program coordinator.

SECTION 16. Previous Employment Information: In accordance with 49 CFR part 40.25, newly employed CDL and Transit operators must provide the drug and alcohol program coordinator

with written consent to acquire his/her previous employer(s) information concerning participation in drug and alcohol testing.

- A. The drug and alcohol program coordinator must provide to the previous employers of the past two (2) years, a written authorization from the CDL operator or Transit personnel 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. The City of Kingman shall maintain a written, confidential record with respect to each past employer contacted.
- B. The potential employee may not be employed if the information obtained indicated the potential employee has tested positive for 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. Any potential employee for Transit whose information obtained indicates the employee tested positive in the previous twenty-four (24) months or refused to test will not be hired, but will be given a Substance Abuse Professional referral in accordance with 29 CFR part 40.25.
- C. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than thirty days following date of hire without confirming the information required in this Section.

SECTION 17. Post Accident Testing: When any City employee is involved in an accident, the employee shall submit to drug and alcohol testing. The testing should be done immediately after the accident, but no later than eight (8) hours for the alcohol test and thirty-two (32) hours for the drug testing. If these tests are not performed within these periods, the City will cease its testing efforts and prepare appropriate written and back-up documentation to record the identifying the reason(s) why one or both of these tests were not administered.

- A. Testing will be mandatory under the following conditions:
 - 1. Where there is loss of life.
 - 2. Non-Fatal Accidents:
 - a. When an accident involving a motor vehicle or equipment in which an individual suffers a bodily injury and immediately receives medical attention away from the accident site and is transported to a medical facility.
 - b. When a vehicle incurs disabling damage as a result of the accident that requires it to be towed, or if to move the vehicle causes more damaged than if towed, and/or if a mass transit vehicle is removed from revenue service.
 - c. When the driver receives a citation under State or local law for a moving traffic violation arising from the accident.
 - d. When there is a fatality, all surviving covered employees operating a vehicle or other motorized equipment at the time of the accident must be tested.

- e. For Transit vehicles where there is a fatality, all other covered employees whose performance could have contributed to the accident (i.e. mechanics, dispatchers, etc) must be tested.
- f. For property damage estimated by the immediate supervisor, and concurrence by one other supervisor, to be greater than \$1,000 wherein the subject employee's negligence could be a contributing factor.
- g. Exceptions: Accidents to a standing or slow-moving vehicle, where the City operator is clearly not at fault.

B. Testing Time Frames: When a required drug or alcohol test has not been administered within the time frames below following the accident, the following actions shall be taken:

<u>Time Elapsed</u>	<u>Action Required</u>
2 Hours	If the employee has not submitted to an alcohol test at this time, the supervisor shall prepare a written report stating the reason a test was not promptly administered. The report shall be forwarded to the drug and alcohol program coordinator for filing.
8 Hours	If the employee has not submitted to an alcohol test at this time, the City shall cease attempts to administer alcohol test, and the supervisor is to prepare a written report as described above. The report shall be forwarded to the drug and alcohol program coordinator for filing.
32 Hours	If the employee has not submitted to a controlled substance test at this time, the City shall cease attempts to administer the test, and the supervisor is to prepare a written report as described above. The report shall be forwarded to the drug and alcohol program coordinator for filing.

C. Supervisor Responsibility Post-Accident: 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 drug and alcohol program coordinator or designee, 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 were not a contributing factor in the accident. The supervisor will complete a Notice to Report for Drug and/or Alcohol Test form, provide it to the employee and send the employee immediately to the collection site upon notification. A copy of the Notice shall be sent to the drug and alcohol program coordinator. If the supervisor is unable to send the employee at the time of notice, the supervisor shall notify to the drug and alcohol program coordinator for further instructions.

5. If the employee refuses to submit to the required testing, the supervisor shall inform the employee that:
 - a. The refusal to submit to testing will be considered a failure of the testing requirement.
 - b. 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 constitute a positive result and be considered grounds for termination.
 - c. No subsequent testing will be provided.
 - d. The employee shall be provided or other arrangements will be made for transportation home to prevent additional safety and liability concerns associated with driving under the influence.
6. If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The employee must not be permitted to use the restroom, eat, drink, or smoke and must stay in constant visual sight of the supervisor until the employee is under the care and control of collection site staff. The supervisor will remain at the collection site with the employee but shall not go into the examination room or sample collection room.
7. 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 suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for termination.
8. The employee shall be provided or other arrangements will be made for transportation home to prevent additional safety and liability concerns associated with driving under the influence.
9. After the sample collections are obtained, the supervisor shall contact the drug and alcohol program coordinator to determine if the employee should be allowed to return to duty or provided with transportation home.
10. If the accident involves any situation in Section 17. A. above, pending the results of the testing, the employee will be suspended with pay from duty.
11. If the test indicates a negative result for both drugs and alcohol, the employee will be returned to duty without any loss of pay.
12. A positive test result for either drugs or alcohol will result in termination.

SECTION 18. Random Testing: The drug and alcohol program coordinator 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. The selected employee's supervisor shall complete a Notice to Report for Drug and/or Alcohol Test form, provide it to the employee and send the employee immediately to the collection site upon notification. A copy of the Notice shall be sent to the drug and alcohol program coordinator. Under no circumstance will the employee be notified in advance. If the supervisor is unable to send the employee at the time

of notice, the supervisor shall notify to the drug and alcohol program coordinator for further instructions.

- A. Refusal to submit to either controlled substance testing or alcohol testing: If the employee refuses to submit to the required testing, the supervisor shall inform the employee that:
 - 1. The refusal to submit to testing will be considered a failure of the testing requirement.
 - 2. 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 constitute a positive result and be considered grounds for termination.
 - 3. No subsequent testing will be provided.
 - 4. The employee shall be provided or other arrangements will be made for transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- 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 and hours of the operation throughout the annual cycle.
- D. Sample collection for random drug testing and breath alcohol testing will be conducted at one or more designated and certified collection sites.
- E. It is the policy of the City of Kingman that a positive drug or alcohol test will result in termination.

SECTION 19. Reasonable Suspicion Testing: Any employee having a reasonable basis to believe that another employee is or may be in violation of this policy is encouraged to inform a supervisor or the drug and alcohol coordinator or designee. Reasonable suspicion of drug or alcohol use by an employee may be established by observation or report of the employee's behavior, admission by the employee, and evidence of conduct that shows impairment or shows physical signs of being under the influence. Other factors may be considered that give rise to suspicious activity. Upon determining that reasonable suspicion exists the employee shall be required to submit to drug and/or alcohol testing.

- A. The decision to require testing for reasonable suspicion will be based upon objective observation by two or more supervisors or City officials. 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 City officials must contact the drug and alcohol program coordinator or designee prior to any action being taken.

2. If there is agreement that testing is warranted, the supervisors, and/or City officials must inform the employee of their observation. This discussion **MUST TAKE PLACE IN A PRIVATE SETTING**. The supervisors and/or City 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 supervisor shall inform the employee that:
 - a. The refusal to submit to testing will be considered a failure of the testing requirement.
 - b. 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 constitute a positive result and be considered grounds for termination.
 - c. No subsequent testing will be provided.
 - d. The employee shall be provided or other arrangements will be made for transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - C. If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The employee must not be permitted to use the restroom, eat, drink, or smoke and must stay in constant visual sight of the supervisor until the employee is under the care and control of collection site staff. The supervisor will remain at the collection site with the employee but shall not go into the examination room or sample collection room.
 - D. 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 suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for termination.
 - E. The employee shall be provided or other arrangements will be made for transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - F. After the sample collection(s) are obtained, the employee shall be placed on administrative leave, with pay, pending the results.
 - G. The supervisor shall document, in writing, the events that led to the testing and the conversations and events that followed the request.
 - H. If the results of the testing are negative, the employee will be reinstated.
 - I. If the results of the testing are positive for either drugs or alcohol, the employee will be terminated.

SECTION 20. Observed Collections (Amended 7/2011): Consistent with 49 CFR Part 40, as amended, employees within classifications C through G as identified in Section 4, Safety Sensitive Employees, of this rule are subject to observed collections (by a person of the same gender) with no advanced notice under the following circumstances:

1. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
2. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
3. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
4. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
5. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed;
6. The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skit, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device.

SECTION 21. Urine and/or Hair Sample Collection: The City will contract with an approved laboratory to perform all urine and/or hair sample collections. Collection site personnel shall collect ALL required samples in accordance with FHWA guidelines as outlined in 49 CFR Part 40 as amended and 655.

- A. The collection of the specimen shall be accomplished in a private setting without observation unless direct observation is deemed necessary by collection site personnel or by law.
 1. The collection rest room must be inspected before and after each collection.
 2. Collection site personnel are required to verify employee identification by requesting to see a valid driver's license or identification with a photograph.
 3. Employees shall be required to allow collection site personnel to inspect personal belongings that may have been brought to the site.
 4. 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 and/or hair specimen.
- B. Consistent with federal guidelines, the "split sample" method of collection shall be used.
 1. 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.

2. 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.
 3. The collection site person shall seal the samples, fill out the required "Chain of Custody" forms and forward the samples to the testing laboratory.
 4. 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.
 5. 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.
 6. If the result of the testing of the primary specimen is negative, the laboratory may discard the split specimen.
 7. 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 MRO that the employee has requested a test of the split specimen, the laboratory may discard the split specimen.
- C. 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:
1. The collection site technician shall instruct the employee to drink not more than twenty-four (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.
 2. The original insufficient specimen shall be discarded and the MRO notified.
 3. 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 as the cause for the insufficient sample.
- D. Failure to comply with the collection site technician directions will be considered a failure of the testing requirements and grounds for termination.
- E. Altered or substituted urine and/or hair specimen: If the collection site person has reason to believe that an employee may have altered or substituted the urine and/or hair specimen, the City of Kingman drug and alcohol program coordinator shall be immediately notified.
1. The employee will be placed on administrative suspension, with pay, pending a review of circumstances. Such actions are grounds for termination.
 2. The employee shall be provided or other arrangements will be made for transportation home.

- F. 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.
- G. Medical Review Officer: The MRO is a licensed physician (MD or DO) selected by the City to review and evaluate the results of verified positive drug 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.
- H. The MRO shall report to the drug and alcohol program coordinator whether the test is verified positive or verified negative, and may report the drug(s) for which there was a positive test.
 - 1. Employee notification of positive results: If the results of the drug testing are positive, the MRO shall make a determination that the testing process was accurate, and the employee's medical history will be reviewed.
 - 2. 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).
 - 3. If, after making reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact the drug and alcohol program coordinator who shall contact the employee's supervisor to direct the employee to contact the MRO.
 - 4. If, after making all reasonable efforts, the City is unable to contact the employee, the employee shall be deemed to have failed the test and shall be subject to immediate termination.

SECTION 22. Split specimen: In a verified positive test, the MRO shall notify the employee of the verified positive test. The MRO shall notify the employee that the employee has seventy-two (72) hours in which to request a test of the split specimen at the employee's own expense. 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, upon notification by the MRO that the primary specimen results are positive and that the employee requested the test of the split specimen, the employee will be placed on administrative leave with pay, pending the results of the test of the split specimen.

- A. If testing of the split specimen results in a negative finding, the employee shall be reinstated.
- B. If the analysis of the split specimen results in a confirmed positive test as determined by the MRO, the MRO will then notify the City of the results. The City will then inform the employee that the drug test has returned positive, and the employee will be terminated from City employment.

SECTION 23. Dilute Specimen: If the MRO reports that a positive drug test was diluted, the test result will be treated as a verified positive test. If the MRO reports that a negative test was dilute, the City will require retaking of the test only if the test was the result of a post-accident or reasonable suspicion examination.

SECTION 24. 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) and/or by collecting blood, urine, or hair. 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 circumstance that requires a test to be conducted at a location and does not fully meet the requirements. In such a case:
 - 1. 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. The drug and alcohol program coordinator 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.
- D. Prior to the test the BAT shall instruct the employee step by step through the testing process:
 - 1. The BAT will require the employee to provide positive identification (driver's license) if the BAT does not know the employee.
 - 2. On request by the employee, the BAT shall provide identification to the employee.
 - 3. The BAT shall explain the testing procedures to the employee.
 - 4. 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.
 - 5. 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.
 - 6. The screen test resulting in a breath alcohol concentration of less than 0.02 shall be determined to be negative.
 - 7. The BAT shall show the employee the result of the EBT.
 - 8. The BAT shall transmit the result of less than 0.02 to the City in a confidential manner.

- E. Confirmation Test: When the first screening test results in an alcohol concentration 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.
- F. Transmission of alcohol testing records: The BAT shall transmit all results to the City drug and alcohol program coordinator in a confidential manner. All communications concerning the alcohol testing results of employees shall be made solely to the designated City representative. Such transmission may be in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to the City of results that require the City to prevent the employee from performing a safety-sensitive function(s). All test records shall be confidential and maintained in an area with controlled access.
- G. Refusal to test: If an employee refuses to cooperate with any part of the testing process he/she will be placed on administrative suspension, with pay, pending a review of circumstances and will be provided or other arrangements will be made for a ride home. Barring any extenuating circumstances the employee shall be terminated. The BAT shall immediately notify the City drug and alcohol program coordinator or designee. The termination of testing will be considered a failure of the testing requirement, and the employee will be subject to termination when:
 - 1. The employee refuses to complete and sign the alcohol testing form.
 - 2. The employee refuses to provide breath, blood, urine, hair or does not provide an adequate amount of breath.
 - 3. The employee refuses to cooperate with the testing process and prevents the completion of the test.
- H. 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 twenty-four (24) hours following administration of the alcohol test. The employee shall be offered transportation home. Barring any extenuating circumstances, the employee will be terminated from City employment.

SECTION 25. Maintenance of Records: All records are confidential and shall be filed in Human Resources 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.

- A. Records of drug testing:
 - 1. 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 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 test.
 - 2. 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 test, and to any records relating to the results of any relevant certification, review, or revocation of certification proceedings.

3. 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 the City, a DOT agency, or other federal safety agency, or a physician responsible for determining the medical qualifications of the employee under applicable regulations.

B. Releasing records of alcohol testing:

1. 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.
2. Access to all facilities utilized in complying with the requirements of the regulations shall be made open to all regulatory authority.
3. When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the City, or a state agency with regulatory authority over the City, the City shall make available copies of all results of City CDL operator and FTA Transit personnel alcohol testing conducted under such requirement and/or authority, and any other information pertaining to the City's alcohol misuse prevention program. The information shall include name of the specific alcohol test, test results, records, and reports.
4. When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City's administration of any CDL operator and FTA Transit personnel post-accident alcohol tests administered following the accident.
5. The City 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.
6. The City 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 City's determination that the employee engaged in conduct prohibited by a DOT agency regulation. Such information can be released to include, but not limited to, worker's compensation, unemployment compensation, or other proceedings relating to a benefit sought by the employee.
7. The City 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.

SECTION 26. Records Retention: Records will be retained in compliance with 49 CFR Parts 40 and amended.

SECTION 27. Reporting: The City of Kingman drug and alcohol program coordinator will maintain information as required and shall submit reports tracking CDL operator and FTA Transit and fleet personnel testing as required by federal regulations to the DOT.

SECTION 28. Reviewing Records: An employee may request to review their substance abuse records per current City policy.

SECTION 29. Health Coverage: The City recognizes that substance abuse is a medical problem that can be treated. The current group health plan provides coverage for such treatment; see plan document for coverage limits and patient responsibility. Employees who voluntarily enter a drug treatment program will not be terminated solely for that reason.

SECTION 30. City Notification by Employee of Any Drug or DUI Statute Conviction: Any employee who is required to drive for the City on a regular, intermittent, or occasional basis to conduct City business and who receives:

- A. Notice that their license to drive has been suspended or revoked, and/or notice of citation for DUI, Extreme DUI, or other citation of similar severity must report this to the supervisor and the Human Resources/Risk Mgt Director, no later than the beginning of the first workday following receipt of the notice of suspension, revocation, restriction, or knowledge of expiration, or citation. Failure to do so will result in disciplinary action, up to and including termination.

SECTION 31. Requirements of the City: Once the employee has given notification of conviction of a drug or DUI statute violation, the City shall:

- A. Notify any affected grant agencies of the employee's conviction within ten (10) days of the City's receiving notice.
- B. Take appropriate personnel action against such an employee, up to and including termination of employment.
- C. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

SECTION 32. Use of Prescription and Over-the-Counter Drugs: An employee taking prescription or over-the-counter non-prescribed drugs or medication which may interfere with the performance of his/her job duties shall report the use of the drug or medication to his/her supervisor prior to going on duty. Warning labels which include adverse effects of such as, but not limited to, mental functioning, and/or motor skills, and/or judgment shall be reported to their supervisor before operating any motorized equipment or vehicle of the City. All communications specialists personnel must also report prescription medication with a warning label as outlined above. The supervisor will in turn report the same to the drug and alcohol coordinator or designee. A determination shall then be made whether the employee is able to perform the essential functions of his/her job safely and properly.

Employees taking such drugs or medication are responsible for knowing any side effects of the medication that might interfere with job performance based upon the prescribing physician's

advice or the warning on the medication label. Employees who determine that their performance may be interfered with by the use of such drug or drugs, or who may be considered to be under the influence should advise their supervisors that they are unable to report to duty. This time away from the job will be deducted from accrued leave as appropriate. If no paid leave exists, the employee will be required to be in an unpaid leave status.

A legally prescribed drug means that the individual has a prescription or other written approval from a licensed physician for the use of such medication for a medical condition. Misuse or abuse of prescription medication is strictly prohibited.

SECTION 33. Employee Requirements: Employees are required to report to work on time and in an appropriate mental and physical condition for work. It is the employee's responsibility to meet satisfactory job performance standards. Unsatisfactory job performance resulting from the use of alcohol, drugs, or any other substance, whether illegal or legally prescribed, will be subject to disciplinary action up to and including termination.

- A. Employees must comply with drug and alcohol testing requirements.
- B. Employees must comply with drug and alcohol reporting requirements.
- C. Employees will not unlawfully manufacture, distribute, dispense or possess or use alcohol, drugs or controlled substances while on duty, at the workplace, or during break and/or lunch periods, whether paid or unpaid.
- D. Employees will not report to work with unacceptable levels of drug and alcohol substances within their person as defined by this policy.
- E. Transit personnel must meet all requirements of this Rule and Transit department policies and procedures as outlined by FTA and US DOT for the mass transit industry. Where there is conflict, the strictest policy shall prevail to ensure employee and public safety.
- F. Any employee who violates this guideline will be subject to appropriate discipline, up to and including termination.

SECTION 34. Supervisor's Requirements: It is the supervisor's responsibility, at every level, to encourage employees to use the EAP when an employee's deteriorating or unsatisfactory job performance, behaviors, appearance, and/or relationships does not respond to normal supervisory actions, or when a specific on-the-job incident is cause for concern. A supervisor should not attempt to diagnose an employee's problems. The supervisor's role is to monitor job performance and take appropriate action within City guidelines.

- A. When there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to urine, blood, and/or hair drug screening and breath, urine, blood, and/or hair alcohol tests, within the parameters of this policy. Refusal to submit to such tests can subject the employee to disciplinary action, up to and including termination. Under no circumstances will an employee be allowed to operate equipment or drive a motor vehicle when it reasonably appears the employee's ability to do so is impaired.

- B. It is the supervisor's responsibility to implement and enforce this policy.
- C. Supervisors will be responsible for maintaining confidentiality of employee records under this policy.

SECTION 35. Self-Identification: Employees who voluntarily disclose drug or alcohol abuse must do so without any connection to a pre-employment, post-accident, reasonable suspicion, or random testing procedure.

- A. If an employee voluntarily discloses drug or alcohol abuse, and if it is determined that employment will not be immediately terminated, the employee shall not be permitted to return to duty until able to successfully pass another drug and alcohol screening test, and to provide evidence of participation in and successful completion of an Employee Assistance Program (EAP) or other approved substance abuse rehabilitation program.
- B. These employees will be subject to unannounced drug testing for up to **sixty (60) months (five (5) years)**.
- C. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six (6) tests in the first twelve (12) months following the safety sensitive employee's return to duty.
- D. The City may direct the safety sensitive employee to undergo return-to-duty and follow-up testing, at the employee's expense, for both alcohol and controlled substances.
- E. Additionally, individual future performance agreements may be required to spell out the terms and conditions of continued employment. An employee's refusal to enter into such an agreement or abide by the terms of the agreement shall be cause for termination.

Rule 12. Dress Code/Appearance

Professional appearance is of particular importance for City employees who have direct contact with the public. Because of the diversity of the City and the positions therein, it is difficult to establish guidelines for grooming and proper attire that could be applied on a City-wide basis. Generally, professional/business casual dress attire shall apply to those employees who spend a majority of their work time within the office environment.

SECTION 1. Administrative Employees (excluding those required to wear a uniform): Unless otherwise indicated by the department director or City Manager, shall wear business casual or professional attire – Monday through Friday. Business casual attire may include:

Women

Dresses/skirts
Blouses/collared shirts/sweaters
Slacks/dress pants/Dockers®
Knit shirts
Capri pants with business jacket or career blouse
Jackets/suits

Men

Dress pants/Dockers®/slacks
Collared shirts/sweaters
Knit shirts
Jackets/suits and ties optional

SECTION 2. Unacceptable Business Casual or Professional Attire: Clothing which does not project a business/professional image, include:

- Sun dresses
- Skorts
- Short skirts or mini skirts
- Tee-shirts
- Blouses that expose bra/strap
- Excessively low cut blouses
- Blouses with spaghetti straps, tank or halter tops
- Shorts (unless approved for selected positions)
- Active wear (sweats, wind suits, exercise wear, etc.)
- Jeans of any color – unless approved for a safety/business necessity
- Apparel or accessories with vendor logos on it
- Spandex
- Beach style “flip flops” or thongs
- Tennis shoes/deck (boat) shoes (exception - unless part of an approved uniform or approved medical necessity)

SECTION 3. Shorts: For selected positions, with City Manager approval, must measure no shorter than three (3) inches above the top of the knees. Acceptable shorts include those part of a uniform, khaki (shades may vary), green, black, or navy blue and they must be uniform style.

SECTION 4. Miscellaneous: All facial or tongue jewelry is prohibited. Body piercing or body jewelry shall not be worn on duty unless the jewelry is not visible. No tattoos or body art is permitted on the head, face, scalp or hands. Any tattoo or body art that may be deemed

inappropriate must be covered while on duty. The department director will have total discretion as to what is considered inappropriate.

SECTION 5. Employee Responsibility: It is the responsibility of each employee to dress in compliance with these guidelines and keep safety in mind when selecting their attire and wear clothing in accordance with the requirements for the position held. In all cases, modesty, professional appearance, and personal hygiene should be emphasized.

SECTION 6. Exceptions:

- A. Recreational employees.
- B. Employees who spend a majority of their work time outside the office environment.
- C. Employees issued uniforms.
- D. Any exceptions to these guidelines must be pre-approved by the department director and City Manager.

SECTION 7. City of Kingman Rights: The City of Kingman reserves the right to advise any employee at any time that his/her grooming, attire or appearance is unacceptable. After having been so advised the employee will be expected to comply with the required change. Failure to do so will result in disciplinary action. Repeated violations may result in disciplinary action up to and including termination.

Rule 13. Employee Development

SECTION 1. Purpose: The City recognizes that there is an increasing need for our employees to develop their knowledge, skills, and abilities in order to keep pace with the rapid changes in technology, methodologies, and programs. The major purpose of the Employee Development Policy is to increase career opportunities with the City, thereby improving public service and increasing efficiency.

SECTION 2. Policy: The City of Kingman regards the personal and professional development of its employees as an important element of its organizational mission. The individual growth of each employee is seen as a contributing factor in the growth of the organization. Therefore, it is the City's policy to encourage employee development through planned and continuous programs, such as educational assistance, career counseling and training opportunities.

SECTION 3. Eligibility: All City employees are eligible for participation in training opportunities upon approval of their department director and the City Manager.

SECTION 4. Responsibility:

- A. Human Resources Department Responsibilities: The Human Resources Department shall assist departments in developing programs and provide advice, information and assistance on planning, programming, operating and evaluating training programs. Encourage departments to make appropriate use of various training resources educational programs.
- B. Departmental Responsibilities: The Department Directors shall plan and promote employee development through budgeting training needs on a fiscal basis. Coordinating and evaluating employee needs and training required for proper job performance as stated on the performance appraisal report.

SECTION 5. Credit for Training: Participation in and successful completion of special training courses including college extension or correspondence courses may be considered in making advancements and promotions. Evidence of such activity should be filed in the employee's personnel file.

SECTION 6. Tuition Assistance: The City is dedicated to providing personal and professional development opportunities for eligible employees. These opportunities may expand job knowledge and upgrade skills, to meet the minimum requirements for a City job, to prepare the employees for another line of work within the City, or to complete a college degree program. Tuition assistance will be for courses related to a specific City job or function. While tuition assistance is not the only training and development resource available to City employees, it is an essential benefit, providing expanded learning opportunities for employees.

- A. Eligible Employees: Any classified employee. The employee must have successfully completed introductory status of initial hire to be eligible for this benefit.
- B. Eligible Education Programs: Any courses or course of study from an accredited college, university, trade school or other recognized institution of higher learning. Some self

study courses available through the Internet or correspondence and some courses leading to a certification may also be eligible on a case by case basis. If a class is for a formal degree program, admission or acceptance by the institution for the degree program is required. However, this policy may be made for college level courses not associated with a degree program. Courses required to obtain a particular degree are eligible (e.g. English grammar for an engineering degree). This program does not apply to courses or seminars of limited duration or where attendance is required or requested by a department.

- C. Advance Payment and Payback: Tuition for a Bachelors Degree (third and fourth year) or higher may be paid by the City in advance of the courses with no payback from the employee required, except as otherwise outlined in this policy.

Degree programs for an Associate Degree (first and second year) may be paid by the City in advance of the courses with no payback from the employee required, except as otherwise outlined in this policy. To be eligible, Associate Degree programs must be taken at Mohave Community College.

Certification programs or other approved courses may be paid by the City in advance of the program/course. The employee will begin to payback the cost of the certification or approved course beginning with the second pay date following commencement of the program/course. For certification programs and approved courses that total: \$1,000 or less, payback will not exceed six (6) months; \$1,001 - \$2,500, payback will not exceed twelve (12) months; \$2,501 - \$4,500, payback will not exceed twenty-four (24) months. For certifications eligible for certification pay, no certification pay will begin until the advanced costs are reimbursed to the City.

For approved programs and courses that exceed the Fiscal Year limit of \$4,500, payback and employment commitment may vary from policy.

- D. Eligible Costs: Only the tuition and lab fees specific to a particular course.
- E. Ineligible Courses and Costs: The following expenses are not eligible under this program:
1. Student registration fees, activity fees, books, supplies, travel, etc.
 2. Personal costs and fees such as parking fees, application fees, assessment fees, testing fees, late fees, and all other non-course work related fees are not covered.
 3. Elective courses or credits beyond those required for the degree or certification.
 4. Travel time and class time will not be compensated by the City nor considered as time worked.
 5. Courses, training or seminars which are a part of the City's regular training programs.
 6. Any costs that have or will be reimbursed through other programs (e.g. Veterans benefits, scholarships, HOPE, Pell Grant, etc).
 7. Educational assistance is not available, more than one time, for the same course.

- F. How to Apply for Tuition Assistance: Any commitment for City paid expenses must include completion of a [Tuition Assistance Agreement](#) form submitted for pre-approval by the department director, Human Resources Director and the City Manager. This step must be done prior to registering for a course/program. Tuition assistance is on a first come first serve basis per fiscal year. If conditions exist that restrict the number of authorized tuition requests, the City Manager will determine the priority of authorization based on the need to the City's operations. An employee must submit a new Tuition Assistance Agreement form for each block of classes/courses taken and/or each semester.

The employee must discuss the intended course of study with their supervisor and department director in order to determine, what, if any advance costs or reimbursement will be made. Issues to be discussed and resolved include:

1. Overall education plan degree requirements, estimated time needed for completion of all requirements.
2. Availability of budgeted funds within Human Resources budget.
3. Relevance of the course or degree to the employee's current position.
4. Employee's commitment to applying material learned to City needs and for how long.
5. Availability of budgeted funds for training within the department.
6. Course attendance and work schedule shall be agreed to in advance.

- G. Annual Maximum Costs: Tuition Assistance costs are limited to a maximum of \$4,500 per fiscal year. This limit does not accrue from year to year. Any eligible educational opportunity over the maximum of this policy is subject to prior approval of the City Manager with payback and employment commitment adjusted accordingly.

- H. Successful Course Completion: At the end of the course period, the employee must provide documentation of a passing grade, a "C" or higher, in the course within thirty (30) days of the completion of the course. In the case of a certification program/course, the employee must provide a proof of passing the certification within thirty (30) days of completion of the course or test. Any employee needing longer than thirty (30) days to provide the documentation shall notify their supervisor and Human Resources Director before the expiration of thirty (30) days. Failure to provide the documentation within the time frame specified will result in a violation of this policy resulting in employee reimbursing the City all advanced costs for any of the eligible education programs/courses listed within this policy. Whereby signing the tuition assistance agreement form, the employee authorizes the City to deduct from the employee's pay check(s) the amount of tuition assistance that was paid on behalf of the employee for the particular courses/test failed until the amount is paid in full as agreed to on the agreement form. Failure to do so will result in civil action against the employee for recovery of the outstanding balance and any related legal costs.

- I. Dropping Classes: Should an employee drop a course(s) specified paid in advance by the City, the employee shall notify the City within five (5) days of dropping the course(s). The employee shall reimburse the City the advanced costs of the dropped course(s). By signing the tuition assistance/agreement form, the employee authorizes the City to deduct

from the employee's pay check(s) the amount of tuition assistance that was paid on behalf of the employee for the courses/test dropped until the amount is paid in full as agreed to on the agreement form. Failure to do so will result in civil action against the employee for recovery of the outstanding balance and any related legal costs.

- J. Separation of Employment: The resignation of an employee prior to the completion of any program/course, or the resignation within two (2) years (or agreed employment commitment) of completing any program or following any courses, or repayment of costs as outlined in paragraphs above, shall automatically result in employee reimbursing the City any tuition assistance that was paid on behalf of the employee in the preceding twelve (12) months.

By signing the tuition agreement, the employee authorizes reimbursement to be automatically deducted from the employee's final pay check. In the case where the final pay does not cover the total amount due the City, the employee agrees to pay the City any amount outstanding over a period of not more than six (6) months due and payable the first of each month. Failure to do so will result in civil action against the former employee for recovery of the outstanding balance and any related legal costs.

- K. Payment of Approved Tuition: The City of Kingman may provide direct payment to the academic institution if a billing procedure is established. If this is not possible, the employee will pay the academic institution and upon proper receipt, the City of Kingman will reimburse the employee the approved tuition assistance amount.

- L. Financial Assistance: Employees who receive financial assistance for their education from another source must disclose the source and amount on their tuition assistance agreement form. If employees are receiving 100% funding for their education from another source, the City will not provide reimbursement. Under certain circumstances, it is possible that the tuition assistance program can be coordinated with other funding sources. In all instances, total financial and tuition assistance will not exceed the educational expenditures approved under this policy. Failure to do so will result in disciplinary action up to and including termination. Recovery efforts which may include civil action, and related legal costs, against the employee for recovery of the funding that the City would not have paid for as outlined in this policy.

- M. Employee's Educational Records: The City has the right to audit the employee's educational and financial records that may be contained in the employee's records held at the institution attended. Any right that the employee may have pursuant to the Family Education Rights and Privacy Act 1974 or any similar act is waived by request for the tuition reimbursement.

Rule 14. Performance Evaluations

SECTION 1. Performance Evaluation: The purpose of the performance evaluation system is to evaluate the performance of employees in the accomplishment of their assigned duties and responsibilities. It should be used as a communication tool to assist the employee in becoming a more effective worker and to assist the supervisor in accomplishing the needs of the employees. The performance rating may be used to establish corrective action in support of subsequent disciplinary action. The performance evaluation report is intended to cover overall performance during a specific period of time. The performance evaluation system may be considered in determining salary advancements, the advisability of transfers, demotions, and discharge and may be a factor in determining promotions or reductions in force.

SECTION 2. Performance Evaluation Procedures: Each employee will be subject to a performance evaluation by his/her immediate supervisor, at least once a year. More frequent evaluations are encouraged. Department supervisors are encouraged to bring unsatisfactory performance to the attention of the employee when the unsatisfactory performance occurs.

An introductory performance evaluation shall be conducted prior to the end of the employee's introductory period.

Special performance evaluation reports may be filed upon transfers, promotions, resignations, disciplinary actions, or any other change of status, at the discretion of the department director.

Each employee shall have the opportunity to review the rating with the supervisor, and both shall sign the evaluation form to acknowledge the review. All evaluations shall be forwarded to the Human Resources/Risk Mgt Director for review who will forward them to City Manager for approval. Employees are permitted to submit a written response to their performance evaluation report; the employee's written response shall be attached to the report it addresses and must be submitted to the supervisor within ten (10) business days following the performance appraisal meeting. The performance report and the employee response, if any, shall remain a part of the employee's personnel record.

SECTION 3. Unsatisfactory Ratings: When the employee's overall evaluation report is unsatisfactory, follow up reports shall be required at the end of three (3) months (or sooner if documented) and for each subsequent three (3) month period while the employee is in the position until the employee has achieved a satisfactory rating or employment is terminated. It is the department director's responsibility, in conjunction with the immediate supervisor, to inform the unsatisfactory performing employee of the actions necessary to achieve a satisfactory rating. The employee and supervisor or department director will agree on a plan to improve performance within five (5) business days of the performance appraisal meeting. The plan should list specific measurable goals. Performance improvement plans shall be submitted with the performance evaluation.

SECTION 4. Grievance and Appeals Relating to Performance Reports: Employees may not grieve or appeal performance improvement plans or performance appraisals.

Rule 15. Harassment and Violence in the Workplace

SECTION 1. Policy Against Harassment: The City of Kingman is committed to ensure that all employees are able to enjoy equal opportunity employment free of any form of discrimination, harassment, or intimidation. Actions, words, jokes, or comments based upon an individual's gender, race, ethnicity, religion, national origin, physical or mental disability, age, he/she being a Veteran of the Vietnam era, or any other protected characteristic will not be tolerated. Discrimination, harassment, or intimidation is strictly prohibited.

Therefore, it is the policy of the City of Kingman to provide a work environment free of discrimination, harassment or intimidation. Any employee acting to the contrary to this policy will be subject to disciplinary action up to and including termination.

- A. **Sexual Harassment:** is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual or otherwise offensive nature. Sexual harassment refers to behavior which is not welcome, which is personally offensive, which lowers morale and which, therefore, interferes with the working effectiveness of its victims and their coworkers. Both females and males can be victims of sexual harassment, and both females and males can be guilty of sexual harassment. The following outlines conduct that can be considered, but not limited to, sexual harassment:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or;
 2. Submission or rejection of the conduct by an individual is used as a basis for employment decisions affecting such individual, or;
 3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 4. Sexual harassment may include actions such as: sexually oriented verbal "kidding" or abuse; subtle pressure for sexual activity; physical contact such as patting, leering, pinching, or repeated brushing against another's body; and/or demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status.
- B. **Discrimination:** is defined actions, words, jokes, comments that demeans or undermines the integrity of the employment relationship with an individual based on his/her gender, race, ethnicity, religion, national origin, physical or mental disability, age, he/she being a Veteran of the Vietnam era, or any other protected characteristic. Especially where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- C. **Other Forms of Harassment:** is defined as conduct which is sufficiently persuasive or severe and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment based on that individual's gender, race, ethnicity, religion, national origin, physical or mental

disability, age or veteran status, or any other personal characteristic. Especially where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- D. Reporting: Any employee who believes he or she has been sexually harassed, discriminated against, or subject to other forms of harassment by a co-worker, supervisor, or agent of the City, and/or have witnessed such behavior, should, if comfortable, inform the alleged violator that the behavior is offensive and request that it cease. If this is not possible, as soon as possible following the unwanted conduct the employee should promptly verbally report the facts of the incident(s) to his/her immediate supervisor or department director or, in the alternative, to the Human Resources/Risk Management Director or designee, City Attorney, or to the City Manager. The employee will be asked to complete a [Discrimination-Retaliation-Harassment Complaint](#) form listing the dates and description of alleged violations, summarize all conversations relevant to such alleged violations, list all potential witnesses, and produce any relevant evidence.

If during or following an investigation, an employee believes sexual harassment, discrimination, any other form of harassment or adverse consequence has occurred, the employee shall immediately report such conduct to the supervisor, department director, Human Resources/Risk Mgt Director, City Attorney, or the City Manager without hesitation.

- E. Implementation: All supervisors are responsible for creating an atmosphere free of discrimination, harassment, or intimidation, and for taking immediate and appropriate corrective action in response to any violation of this policy. Further, all employees are responsible for respecting the rights and sensitivities of their co-workers and for immediately reporting inappropriate behavior should they be a victim or have witnessed such misconduct.
- F. Persons in Authority (supervision staff): All persons in authority should immediately report any incidents of sexual harassment, discrimination, or any other form of harassment to the City Manager, Human Resources/Risk Mgt Director, or City Attorney. The Human Resources/Risk Mgt Director or designee, or City Attorney or designee will investigate all such claims. Appropriate corrective action shall occur where such conduct is sustained.
- G. Due to the sensitive nature of the complaints, they shall be investigated with particular care and shall remain, to the extent possible, confidential.
- H. No reprisals of any kind by any co-worker, supervisor or agent of the City shall be taken against an employee because that employee has initiated a complaint, or against any witness because that individual has reported or assisted in any way in the investigation of a complaint. Any person who believes they are victim of reprisal shall report such action(s) immediately using the above reporting procedures.

SECTION 2. Policy Against Violence in the Workplace: The City of Kingman, consistent with the commitment to provide a workplace that is safe for employees, will not tolerate threats, intimidation, and violence made by an employee against another person's life, health, well being,

family, or property. Nor will the City tolerate such acts made by third parties against City employees. Threats, intimidation, and violence can include, but not limited to, threats and verbal abuse to physical assaults and homicide. The City of Kingman is committed to providing employees updated annual training on issues and trends in workplace violence.

- A. Prohibition: Any threats or acts of violence made by an employee against another person's life, health, well being, family or property are cause for discipline up to and including termination. Such acts or threats of violence, whether made directly or indirectly, explicitly or implicitly, by words, gestures, or symbols, infringe upon the City's right or obligation to provide a safe workplace for its employees.
- B. Applicability: This policy applies to any threats or acts of violence made on City property, at City sponsored events or under other circumstances that may negatively impact the City's ability to conduct its business.
- C. Reporting: Any employee who believes that he/she has been the target of threats or acts of violence, or has witnessed or otherwise learned of direct or implied threats or of information that would imply a reasonable risk of violence occurring or conducted by another employee or third party, should immediately contact their immediate supervisor, department director, Human Resources/Risk Mgt Director or designee, City Manager, or the City Attorney. If an employee feels threatened with immediate harm, he or she should notify law enforcement immediately or ask someone else to do so.
- D. Implementation: Supervisors should immediately report any incidents or potential incidents of violence to the City Manager, Human Resources/Risk Mgt Director, or City Attorney. The City Manager or Human Resources Director will investigate all such claims and take appropriate corrective action.

SECTION 3. Fraternization Policy: The City of Kingman's success depends on positive employee morale and good team working relationships. The City recognizes workplace romances or attractions can develop between people who work together. Unfortunately, attractions are not always mutual, and these situations can develop into sexual harassment complaints. In addition, relationships between supervisor and subordinate often cause morale problems or misperceptions about assignments and favoritism on the part of other employees in the work group. For these reasons, the City has developed the following policy concerning personal relationships between employees.

- A. Prohibitions: Employees in a supervisory capacity are required to maintain a professional relationship with any employee for whom they supervise, give work direction or assignments, give discipline, review performance, or recommend promotions or raises. Employees holding supervisory roles are not permitted to pursue romantic relationships with any employee who may report, either directly or indirectly, to them. Indirect supervision may include: chain of command, an employee who: may rotate from time to time as "Acting" supervisor, who is responsible for the work but not necessarily the worker, is responsible for a project or reoccurring activity that involve tasks performed by persons over whom he/she has authority to give direction in regard to that project or activity even though they are under the direct supervision of someone else, or any other situation that may define a supervisory capacity as prescribed by the EEOC.

- B. Reporting: In the event a workplace romance develops, it is the responsibility of both parties to, either separately or together, bring the fact of the relationship to the attention of their supervisor, department director or to the Human Resources/Risk Mgt Director or designee. The City will determine the arrangements to further the best interests of both the City and the employees involved.
- C. Unwelcome Conduct: The City does not have a policy against dating between co-workers who are on the same peer level and/or are in different departments. However, if at any time any dating situation, request for dates, or any romantic pursuit between co-workers becomes unwelcome, interferes with the employee's work environment or the work environment of other employees, the City may intervene to stop such conduct, up to and including termination of the employees involved.

Rule 16. Weapons-City Hall

SECTION 1. Policy: It is the policy of the City of Kingman, Arizona that concealable weapons or openly displayed weapons (Pistols, handguns, rifles and shotguns, including single shot, semiautomatic or revolvers; this is to include knives with blades longer than 6 inches in length) shall not be carried within City Hall, located at 310 North 4th Street, except by persons who are authorized by law to carry such weapons in the performance of their official duties. Secure lockers will be provided for the storage of weapons for individuals who have business inside City Hall. Holders of concealed weapons permits are not exempt from these requirements.

SECTION 2. Purpose: To comply with Arizona Revised Statutes §13-3102.01, it is the policy of the City of Kingman to provide a place for safekeeping of concealable and openly displayed weapons for persons coming to the City Hall. The City of Kingman has made reasonable accommodation to secure handguns and knives which are the predominately carried weapon. Any person carrying a rifle or shotgun must secure the weapon by other means.

SECTION 3. Authority: The City of Kingman provides a variety of city services at a number of buildings. The City, as authorized by law, has established a policy which prohibits the carrying of concealable weapons and openly displayed weapons in City Hall, except by persons who are authorized by law to carry such weapons in the performance of their official duties.

SECTION 4. Procedures:

- A. City Hall, located at 310 North 4th Street, will be served by weapon storage lockers at the main entrance, which is located at the north side of the building facing Spring Street.
- B. Notices will be posted at entrances to the building that concealed or open possession of dangerous weapons is prohibited within City Hall. The notices will advise citizens that secure storage lockers are available at the main entrance.
- C. Lockers will be accessible to the public.
- D. The lockers will have a notice attached to them with instructions concerning the use of the lockers.
- E. The lockers shall have a notice attached to them that storage of any weapon is at the risk of the Owner of the Weapon and that the City of Kingman, Arizona shall not be liable in any event to any owner for any loss or damage of any kind or character resulting from storage of the weapon or for the weapon being stored in any other manner that is not provided by the City of Kingman.

SECTION 5. Primary Contact for Citizens: The City Clerk's Office shall be the primary contact point for citizens regarding the weapons storage process.

SECTION 6. Clerk's Office Procedures:

- A. The Clerk's office shall request a valid United States federal, state or local government issued, photo ID. The ID shall be placed in safe keeping and the citizen shall be issued a key for the weapons locker.
- B. The Clerk's Office is prohibited from keeping a record of the weapon or the owner.
- C. Upon the citizen's completion of business, they shall return the storage locker key (after retrieval of their weapon) to the Clerk's Office. The Clerk will then return the ID.
- D. In the event a Clerk's Office employee is not available, an employee from the Water department is the next point of contact.
- E. During City Council meetings, City Commission meetings, or other meetings held after the normal business hours of operation, the person or persons responsible for conducting those meetings shall enforce these provisions.
- F. During after hours meetings, the doors facing on Spring Street, shall be locked. For handicapped accessibility, there will be an electronic device to enable persons at the door to notify staff.

SECTION 7. Prohibition of City Employees to Handle Firearms: City employees are prohibited in assisting or handling the firearm, as it is being placed in the locker; nor shall a City employee "hold" the firearm for the citizen as they conduct their business.

SECTION 8. City Vehicles: City employees, other than those who are authorized by law, are prohibited from handling or possessing a weapon while on duty or in a city vehicle. This includes: any explosive; any and all types of firearms; and knives with blades that are more than six (6) inches in length. If an employee is unsure whether an item is covered by this policy, they should contact the Human Resources Department. Employees are responsible for making sure that any item they possess is not prohibited by this policy.

SECTION 9. Locker Inspections: Weekly, a Kingman Police Officer will be assigned to inspect the lockers at a time designated by the City Manager. If there are any lockers that appear to still contain a weapon, the employee will retrieve any weapons stored there and book them into the Police Department Property Room as property kept for safekeeping.

Persons who have had their weapon retrieved by the Police department will be required to go to the Police Department during normal working hours of 8:00 AM until 5:00 PM, Monday through Friday and present proof of ownership in order to retrieve their property.

SECTION 10. Abandoned Weapons: The City Clerk's Office will attempt to contact the owner of the abandoned weapon. After ninety (90) days and the weapon has not been retrieved, the City shall declare the weapon abandoned and dispose of it as determined by the City Manager.

SECTION 11. Disclaimer: Nothing in this policy shall be construed as creating any duty or obligation on the part of the City to take any actions beyond those required of an employer by existing law.

Rule 17. Electronic Communications Policy

SECTION 1. Purpose: The City of Kingman supports the use of cellular communications, electronic communications and Internet resources to further its mission, and to foster communication and information exchange. The purpose of this policy is to set forth guidelines and responsibilities for managing and using cellular communications, online electronic communications resources and Internet access. Users are expected to be cognizant of the rules and regulations that make these resources secure and efficient, and to use the resources in a responsible manner, consistent with the work-related, professional, and educational purposes for which the City provides these resources.

SECTION 2. Description: This statement sets forth the City of Kingman's policy with regard to use of cellular communications, electronic communications, and Internet access. For purposes of this policy statement, "electronic communication" may include but is not limited to the use of City owned cell phones, email, Internet services, voice mail, and facsimile messages that are sent or received by city officials, employees, and other authorized users, and the network resources over which such communications are transmitted.

SECTION 3. Definitions:

- A. The term 'Users' refers to all officers and employees of the City of Kingman, and may include any non-city employees who are authorized users.
- B. The term 'cityweb' refers to the City of Kingman intranet Web site.

SECTION 4. Authorized Use: Departments will register each of its user's names with the Information Systems Director before any outside services are accessed. A user and user's department director must complete, and sign, an Acknowledgment of Electronic Communications and Internet Access Policy form and return it to the Human Resources Director before access to the Internet is allowed on a City owned account. Those who bring their own personal computers to work, or access a City account from a remote location, will be subject to these policies as well.

SECTION 5. Relationship to Other Rules: Use of electronic communications and Internet resources is subject to the City of Kingman Rules and Regulations governing City personnel. All non-City employees will be subject to these Rules and Regulations particularly [Rule 15. Harassment and Violence in the Workplace](#).

SECTION 6. Professionalism: Electronic communications shall be professional and business-like. Electronic mail messages, whether sent within the City or outside, shall withstand public scrutiny without embarrassment to the City, the City officials, or other employees, and the public, both as received by the original recipient and if forwarded beyond the original intended recipient. Users have no expectation of privacy. Electronic mail, particularly when sent via the Internet, should be regarded as an unsecured medium. Users will clearly identify themselves with a signature line that includes user's name and department. Electronic communication is

considered a public record; therefore use of Blind Carbon Copy (BCC) electronic mail is strictly prohibited.

SECTION 7. Official Use: Routine business use is permissible and may include: communication with other city employees, professional associations, colleagues, other governments, universities, research, educational efforts, businesses and/or individuals associated with the facilitation of City business.

SECTION 8. Personal Uses: Limited personal use is permissible within reasonable limits and if consistent with restrictions defined in this policy and the City of Kingman Rules and Regulations. Such computer use will require prior approval from user's Department Head. Users understand that use of City provided systems is a privilege. Unauthorized use may result in loss of access for the user and depending on the seriousness of the infraction, may result in disciplinary action as deemed appropriate.

SECTION 9. Prohibited Uses include, but are not limited to:

- A. Use of electronic communications for commercial or financial gain.
- B. Sending or receiving copies of documents in violation of copyright laws, or to send or receive software in violation of intellectual property laws or rights.
- C. Solicitation, including charitable campaigns or political activity.
- D. Issuing or forwarding chain mail or other frivolous messages, such as practical jokes.
- E. Harassment or intimidation of others, or to interfere with the ability of others to conduct City business. Users shall not use electronic communications in a manner that promotes or could be interpreted as discrimination on the basis of race, creed, color, gender, religion, disability, age or sexual origin.

SECTION 10. User Regulations:

- A. Users will be held responsible for access or dissemination of illegal information or uses such information in connection with a crime.
- B. Users may not capture any "open" electronic communications except as required in order for authorized employees to diagnose and correct delivery problems, and may not obtain access to the files and communications of others unless doing so serves a legitimate business purpose.
- C. Users may not download or add software to City equipment, unless they receive prior approval, in writing, from the Information Systems Director.
- D. Only the City webmaster and assigned City personnel may publish to the Internet/Intranet, see Section 20 of this Rule.

- E. Users shall not attempt to gain unauthorized access to data, to breach or evade any security measures on any electronic communication system, or to intercept any electronic communication transmissions without proper authorization.
- F. No user shall use Internet access provided by the City for connecting to, posting, or downloading pornographic, offensive, or other material that is inappropriate for the workplace or violates any of the City's policies.

SECTION 11. Requesting a City owned cell phone: Department heads must fill out the Cell Phone Request form, located on cityweb, for their employees when requesting a City owned cell phone.

SECTION 12. Cell Phone Use While Driving:

- A. Regardless of whether the cell phone is issued by the City or if it is a personal phone, no employee shall text and drive or operate City motorized vehicles or equipment or their own vehicle while conducting City business.
- B. The City of Kingman prohibits the use of hand held cell phones while driving vehicles/equipment with which require a CDL license and/or while driving Transit buses.
- C. All employees who drive City vehicles/equipment, that is not a Transit bus nor requires a CDL license, are discouraged from talking on a hand held cell phone while driving City vehicles or their own vehicle while conducting City business, except in emergency situations. Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. However, if cell phones must be used for conducting City business while driving, a hands-free phone or device should be used when and where allowed by law. while driving, a hands-free phone or device should be used when and where allowed by law.

SECTION 13. Personal Cell Phone Use: The use of City owned cell phones to make or receive personal calls is discouraged, although it is understood that usage for personal reasons may be necessary in emergency situations. Employees must realize that although personal calls made under the usage limits provided by the employee's plan may not result in additional charges, they do count toward the overall time limits established under the service agreement. It is each department head's responsibility to review his or her employees' cell phone bills to monitor this policy.

SECTION 14. Personal Second Cell Phone Line on City Owned Cell Phone: Employees assigned a City owned cell phone may, at their option and with prior approval of their department head, have an alternate telephone number added to the City cell phone for their personal use. Employees are authorized to make changes to the service on this line. The cost of this alternate personal line is solely the responsibility of the employee. Invoices for use of the alternate line will be billed directly to the employee's home address. Instructions for adding an alternate line to a City owned cell phone is available on cityweb.

SECTION 15. Responsibility: It is the responsibility of the users to use electronic communications media and the Internet efficiently, to avoid wasting or overburdening the City of

Kingman's network computing resources. Users should accept limitations or restrictions on file storage space, usage time, or amount of resources consumed. All users are expected to cooperate with authorized investigation of technical problems, and of possible violations of this policy.

SECTION 16. Passwords: It is the responsibility of all users to protect City computers, networks, and data from destruction, tampering, and unauthorized inspection and use. Each user shall establish appropriate passwords for the user's account in the first instance, to change passwords periodically as may be required, to avoid sharing or disclosing passwords to others, and to prevent unauthorized or inadvertent access by others to their computers and files.

SECTION 17. Encryption: Only specified forms of encryption are permitted. Users may encrypt their electronic mail and files only with the use of software approved by Information Systems Director. Encryption may only be used for specialized transactions and only with expressed approval. The encryption key must be retained by the Information Systems department to access encrypted messages, which may limit the degree of privacy protection provided by each encryption.

SECTION 18. Monitoring: City of Kingman will engage in the systematic monitoring of Internet access and amount of time spent on the Internet by users. Monitoring will primarily be for the purpose of supporting the management responsibilities related to the equitable and efficient use of resources but may also include monitoring of unlawful activity, conduct that would adversely reflect on the City, or other violations of this policy if detected or suspected.

SECTION 19. Access: City of Kingman reserves the right to permit authorized staff to access and disclose the contents of electronic messages, provided that it follows appropriate procedures, in the course of an investigation triggered by indications of users misconduct, as needed to protect health and safety, as needed to prevent interference with the mission of the City, to protect system security, comply with legal process or fulfill City obligations to third parties, protect the rights or property of the City, or as needed to locate substantive information required for City business that is not more readily available by some other means.

SECTION 20. Social Media and Social Networking Websites: (added 11/1/12) All Posting should be in accordance with the guidelines set forth in this section, or any written department policy, and the City of Kingman Government Website Policy.

- A. Social Media and Social Networking Websites: "Social media" and "social networking" websites are internet and mobile-based tools for sharing and discussing information. The public interaction on these sites and the resulting community-generated content is commonly referred to as Web 2.0. Social media, social networking and Web 2.0 are terms that describe a type of internet-based communication applications with a focus on immediacy, interactivity, user participation and information sharing in multiple ways. Just as email and static websites were new communication menus in the previous decade, social media today refers, without limitation, to venues such as video sharing sites (e.g., YouTube), social networks (e.g., Facebook), and micro blogging services (e.g., Twitter). Social media websites focus on creating and fostering on line social communities for a specific purpose and to connect users from various locations and interest areas.

B. Policy. The City Manager, or authorized designee, is responsible for the creation, administration and deactivation of approved social media or social networking website accounts. In the interest of maintaining the efficient operation of the City and its departments, without prior written authorization from their Department Director, Employees shall not:

1. Post or use social media or social networking websites using any City-owned computers or other City-owned or City-subsidized electronic devices at any time without the prior, written approval of the City Manager, or authorized designee.
2. Post or use social media or social networking websites using any personal electronic device during the course of or in the performance of an Employee's official duties.
3. Post or use social media or social networking websites using any electronic device while driving or operating any City-owned vehicle.
4. Post any information or content that depicts City personnel in the course of or in the performance of official duties, City logos or copyrighted marks, equipment, uniforms, facilities, or other identifiable City-owned property, real, personal or otherwise without prior, written approval of the City Manager, or authorized designee.
5. No employee shall Post to any social media or social networking websites any pictures, images or videos taken, captured or filmed with City-owned cellular telephones or other electronic devices with photographic or video graphic functionality or capability, unless directed or otherwise provided written authorization by the posting employee's Department Director or authorized designee.
6. Post any information or content that (i) is defamatory, false or illegal, (ii) creates an unreasonable adverse effect on the workplace, (iii) is represented or appears to be made as part of the official duties of the Employee, unless the official duties of the Employee include the authority to engage in speech in the manner in which the speech occurred, or (iv) otherwise exposes the City to liability or interferes with the efficient operation or function of the City or any of its departments. This paragraph shall apply to official, job related Posting and personal, non-job related Posting or other speech-related activities. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination in accordance with City personnel policies.

C. Conditions of Approved Use:

1. Content on all City social media or social networking website accounts may be posted only by employees who (i) have written approval to do so by the City Manager, or authorized designee, (ii) have a complete and acknowledged understanding of this policy and other applicable City policies, (iii) possess appropriate content and (iv) possess appropriate technical experience. Oversight of the City's social media or social networking website accounts will be provided by the City Manager, or authorized designee.
2. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination in accordance with City personnel policies.

SECTION 21. Access in Investigation of Misconduct: A supervisor may access electronic files to investigate an employee's misconduct when the access is consistent with all legal requirements, including reasonableness under the circumstances. Request for such access must be done by completing [Supervisor Request for Employee Computer Files](#) form. All requests must be approved by the department director, Human Resources Director, and City Manager. The provision applies to monitoring of employee accounts when the monitoring is done because of suspected illegal activity or policy violations.

SECTION 22. Limitations on Disclosures and Use of Information Obtained: The contents of electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the user. The City of Kingman will attempt to refrain from disclosure of particular messages if disclosure could create personal embarrassment, unless such disclosure is required to serve a specific business purpose, satisfy a legal obligation, or to appropriately respond to request for records disclosure under state or federal laws governing public access to records.

SECTION 23. Electronic Communication Retention: It is the responsibility of the user to ensure all electronic communications are kept in accordance with the records retention schedule of the State of Arizona based on the nature of the content. This means employees must judge whether the content of their electronic communication meets the record retention schedule statutes. If so, the user must save the communication by printing it out or saving the communication to the user's hard drive for the required retention period. The City will archive all City of Kingman email accounts and automatically purge those accounts on a rolling six (6) month period.

SECTION 24. Policy Enforcement: Appropriate disciplinary action will be taken against individuals found to have engaged in prohibited use of the City of Kingman's electronic communications resources. Such action may include, but is not limited to, loss of access to the electronic communications, computer, or network resources, as well as other appropriate disciplinary action.

Rule 18. Group Insurance/Section 125

SECTION 1. Health Insurance: Full-time and Three-Quarter employees are covered under the City's group insurance program. Any Part-Time A employee receiving group health insurance as of June 30, 2009 will be 'grandfathered' and continue to receive group health insurance until such employee separates service or has an employment status change whereby the employee's hours are reduced below the Part-Time A status. The City will determine each year the amount, if any, which the City will participate in the premium. The plan provides group health and life insurance coverage.

- A. **Effective Date:** The effective date of group health insurance for the employee will be the first of the month following the employee's date of hire. A newly hired employee must make this election within thirty-one (31) days of hire.
- B. **Dependents:** The employee may elect to cover their dependents under this program. Eligible dependents are those defined by the Internal Revenue Service (IRS). In addition, the City will determine each year the amount, if any, which the City will participate in the premium for dependent coverage for employees who elect the dependent coverage. The effective date of the group health for dependents will be the first day of the month following the employee's effective date. Election of dependent coverage must occur within thirty-one (31) days of the date dependents are eligible to become covered. Failure to do so will result in denial of coverage until another qualifying event whereby the change is sought within thirty-one (31) days or until open enrollment. Additionally, employees must remove a dependent who no longer qualifies within thirty-one (31) days of the qualifying event. Failure to do so or adding a dependent who does not meet the IRS definition is considered insurance fraud and can carry stiff penalties.
1. **FLSA Exempt Classification:** (Added 1/1/2012) The City has had a policy to participate 100% of the dependent group health premium(s) for FLSA Exempt classifications so designated in the City's Classification Plan. Effective January 1, 2012, the City will NO longer provide this benefit to FLSA Exempt classifications. Meaning effective January 1, 2012, newly hired or promoted individuals into FLSA Exempt classifications will pay their share of dependent group health premium and will receive City participation in the premium as outlined in Section 1. B. of this policy. All individuals receiving 100% of City participation of dependent group health premium as of December 31, 2011 will be 'grandfathered' thereby continuing to receive this benefit. An employee 'grandfathered' under terms of this policy will lose their 'grandfathered' status upon separation of service or a change into a FLSA non-exempt classification. Reclassification is not defined as a change of classification.
- C. **Enrollment:** An eligible employee electing insurance coverage (whether single or family) must enroll with Human Resources within the scheduled enrollment period as stated above or wait until the next open enrollment period to obtain insurance coverage.
- D. **Health Savings Account:** Eligible employees may choose to participate in a Health Savings Account offered in conjunction with a qualified health plan within the City's group insurance program. The City will determine each year the amount, if any, which the City will participate in contributions. Upon separation of service or if employment

status changes such that the employee no longer qualifies for group health insurance, regardless if the employee or dependent chooses COBRA or is retired, any City participating contributions shall cease.

- E. Wellness Program: (Suspended 7/1/2011) Employees and retirees enrolled in the City's group health insurance program and Police Cadets may choose to participate in the [Wellness Program](#). To receive City contributions toward the monthly membership fee, employee/spouse must attend a wellness program provider a minimum eight times a month and participate in a fitness evaluation as required by the City. Any employee/spouse found not meeting the requirements shall reimburse the City for the month(s) the employee/spouse did not meet the minimum requirements. The City will determine each year the amount, if any, which the City will participate in membership fees. Upon separation of service or if employment status changes such that the employee/retiree no longer qualifies for group health insurance, regardless of whether the employee, dependent, or retiree chooses COBRA, any City participating contributions shall cease the first of the month following the qualifying date.

SECTION 2. Open Enrollment: Open Enrollment for group insurance is held at least once a year and is scheduled by the Human Resources Department. Open enrollment is a specified period during which the benefits package adopted by the City for the upcoming fiscal year is presented to eligible participants, during which time an employee may change, add to, delete or cancel insurance coverages. Open enrollment is the only time an employee may change pre-tax insurance policies except in the event of a change in family status, defined as:

1. Marriage;
2. Divorce;
3. Legal separation;
4. Birth;
5. Adoption;
6. Placement for adoption pursuant to ARS §8-105 or §8-108;
7. Court ordered guardianship;
8. Employee's spouse obtains new employment, becomes eligible for benefits with current employer, becomes ineligible for benefits with current employer, terminates employment;
9. Dependent obtains insurance through City employment;
10. Leave of absence without pay;
11. Dependent child(ren) no longer meets the definition of a dependent child (i.e. marriage, over-age, etc.).

- A. Effective Date: These changes must be made within thirty-one (31) calendar days of the date of occurrence on the appropriate forms. Employee and/or dependents may be required to submit Evidence of Insurability to the insurance company for approval at no cost to the City. Failure to meet enrollment time frame will result in denial of coverage.

- B. Cancellation: Cancellation of coverage shall occur for non-payment of premiums, when an employee separates service, or when an employee requests cancellation. An employee's insurance coverage terminates at midnight on the last day of month for which premiums were paid. Exception: policies through Fort Dearborn terminate the date of the qualifying event.
- C. Re-Enrollment: Unless a family status change has occurred, as outlined above, an employee whose coverage has been canceled in the current plan year may re-enroll for insurance coverage only during the next regularly scheduled open enrollment.

SECTION 3. Section 125 Benefit Plan: The City's Section 125 Benefit Plan year is July 1st through June 30th, is available to all benefits eligible employees of the City of Kingman. This plan, adopted under the provision of Section 125 of the Internal Revenue Service Code, allows employees to reduce their income in exchange for payment health care expenses, premiums and other expenses with pre-tax dollars. Each eligible employee must submit a new Flex Benefit Statement every plan year prior to July 1st, or within thirty-one (31) days of hire or a qualifying event, indicating the dollar amount elected to reduce pay in exchange for pre-tax benefits or elect not to participate. Once an employee has submitted the Flex Benefit Statement the pre-tax amounts withheld can not be changed or modified during the plan year. The IRS requires the amounts stated on the form to remain the same unless there is a change in family status, outlined in Section 2 above. Flex Benefit Statements are administered by Human Resources.

SECTION 4. Payroll Premium/Contribution Deductions: It is the employee's responsibility to verify that any amounts withheld from their earnings are correct. Any deduction errors must be reported to Human Resources immediately. If a data entry error occurs or if data entry is delayed, it most likely will not invalidate policy coverage. However, the longer the error occurs the more likely coverage can be jeopardized. Upon discovery, an adjustment will be made to reflect the correct deduction amount. If an underpayment of a premium occurs, the City has the right to collect any additional amounts owed by the employee. If overpayment occurs, the City will reimburse the employee the amount overpaid.

SECTION 5. Retiree Health Insurance: (Amended 7/1/11 & 7/1/13) The City may offer post-retirement group health insurance. There is no promise to provide this benefit and this benefit is subject to modification and cancellation at any time as so desired by the City of Kingman.

A. Eligibility:

1. All new hire and/or newly group health benefit eligible employees on or after July 1, 2013 will not be eligible for retiree health benefits from the City.
2. Full-Time, Three-Quarter, and Part-Time A 'grandfathered' employees whose hire date is after July 1, 2005 must have twenty or more years of service with the City of Kingman to be eligible for this benefit. Active regular Full-Time, Three-Quarter, and Part-Time A employees as of June 30, 2005 shall remain eligible for this benefit.
3. To be eligible for this benefit, a City employee, as outlined in Section 5 (A) (2) herein, must retire and receive a monthly income from either Arizona State Retirement System (ASRS) or Arizona Public Safety Personnel Retirement System (APSPRS). There shall be no gap between the date of separation of

service and the date the employee's retiree benefit begins with either ASRS or APSRS. The retiring employee may be asked to provide written documentation substantiating their effective retirement date through ASRS or APSRS to validate there is no break between end of service date with the City of Kingman and retirement effective date.

B. Premiums:

1. The City may participate in the retiree's health insurance premium (the portion not subsidized by ASRS or APSRS). Retirees shall authorize the City of Kingman to receive the monthly subsidy eligible from ASRS or APSRS while receiving this benefit. Retirees will be eligible for this benefit a maximum of five (5) years, or until Medicare eligible, or medical eligibility with another group health insurance plan, whichever comes first.
2. Any future changes/modifications to the retiree health insurance provision of the Personnel Rules and Regulations shall be effective for all retirees receiving the benefit at the time of change/modification and any retirees thereafter.

SECTION 6. Consolidated Omnibus Budget Reconciliation Act (COBRA): Employees and/or dependents may continue to carry the group insurance programs offered by the City of Kingman under the rights provided by COBRA. COBRA continuation coverage can become available to an employee whose group health coverage through the City of Kingman has terminated. It can also become available to an employee's dependents who are covered under the City's group health plan when they lose their group health coverage through the City. The employees and/or dependents must pay the full premium costs and maybe charged 2% administration fees. For additional information about rights and obligations under the Plan and under federal law, employees and dependents should review the Summary Plan Document for Plan A or Plan B or contact a Human Resources representative.

- A. COBRA Continuation Coverage is a continuation of group health medical/RX, dental and vision plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the group health plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.
- B. Employees become a qualified beneficiary if they lose coverage because either one of the following qualifying events happens:
 1. Your hours of employment are reduced, or
 2. Your employment ends for any reason other than your gross misconduct.
- C. The spouse of an employee becomes a qualified beneficiary if they lose coverage because any of the following qualifying events happens:
 1. The employee dies;
 2. The employee's hours of employment are reduced;

3. The employee's employment ends for any reason other than his/her gross misconduct;
 4. The employee becomes entitled to Medicare benefits (under Part A, Part B, or both); or
 5. The employee becomes divorced or legally separated from the spouse.
- D. Dependent children will become qualified beneficiaries if they lose coverage because any of the following qualifying events happens:
1. The parent-employee dies;
 2. The parent-employee's hours of employment are reduced;
 3. The parent-employee's employment ends for any reason other than his/her gross misconduct;
 4. The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
 5. The parents become divorced or legally separated; or
 6. The child stops being eligible for coverage under the plan as a "dependent child."
- E. Notice of Qualifying Events: You must notify the City of Kingman Human Resources department within sixty (60) calendar days of the date a qualifying event occurs. You must provide written notice to: City of Kingman, Attn: Human Resources, 310 North Fourth Street, Kingman AZ 86401
- F. Notice of COBRA Coverage: Once Human Resources receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered, in writing, to each of the qualified beneficiaries to the address on record. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their eligible children.
- G. Duration of COBRA Coverage: COBRA continuation coverage is a temporary continuation of coverage. Coverage continuation timelines can change by Congress from time to time.
1. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of thirty-six (36) months.
 2. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than eighteen (18) months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until thirty-six (36) months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare eight (8) months before the date on which his employment terminates, COBRA continuation coverage for

his/her spouse and eligible children can last up to thirty-six (36) months after the date of Medicare entitlement, which is equal to twenty-eight (28) months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of eighteen (18) months. There are two ways in which this eighteen (18) month period of COBRA continuation coverage can be extended:

- a. Disability extension of eighteen (18) month period of continuation coverage: If the covered qualified beneficiary is determined by the Social Security Administration to be disabled, once known, the qualified beneficiary must notify Human Resources. With this change in status, the qualified beneficiary and eligible dependents may be entitled to receive up to an additional eleven (11) months of COBRA continuation coverage, for a total maximum of twenty-nine (29) months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the eighteen (18) month period of continuation coverage. A copy of the Social Security Administration determination notice must be provided within sixty (60) days of the date of the determination and prior to the end of the 18th month on continuation coverage.
- b. Second qualifying event extension of eighteen (18) month period of continuation coverage: If a qualified beneficiary experiences another qualifying event while receiving eighteen (18) months of COBRA continuation coverage, the spouse and eligible dependent children can get up to eighteen (18) additional months of COBRA continuation coverage, for a maximum of thirty-six (36) months, if notice of the second qualifying event is properly given to Human Resources. This extension may be available to the spouse and any eligible dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if a eligible dependent child stops being eligible under the group health as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the group health plan had the first qualifying event not occurred.

SECTION 7. Vendor Representatives Meeting with City Employees: As part of a comprehensive employee compensation and benefits plan, it is the policy of the City of Kingman to provide its employees opportunities to participate in a variety of optional payroll deduction programs. From time to time, representatives of companies participating in the City's payroll deduction program may be invited to make presentations and conduct workshops, or to meet with employees to afford them educational and enrollment opportunities. These sessions will be coordinated and authorized through the Human Resources Department. Company representatives who wish to participate in these programs will be allowed to do so by following the guidelines for these meetings.

In general, participating company representatives may:

- A. Meet with employees at a pre-arranged location which has been previously announced through memorandums or other communications issued by the Human Resources Department; and/or
- B. Arrange to meet with an individual employee outside of working hours at a mutually agreeable location.

City policy does **not** permit company representatives to meet or otherwise solicit City employees at the employee's work-station or site, unless specifically authorized in writing by the Human Resource Department. These interruptions are disruptive to the employee's work as well as that of other employees, and are inappropriate for an organization whose mission is to serve the public.

Attendance to such meetings, presentations, and/or workshops is strictly voluntary and is not considered hours worked.

Rule 19. Personnel Records

SECTION 1. Definitions:

- A. "Record" means any information maintained on an individual with his/her name and/or other identification.
- B. "Official personnel file" means any employment information maintained on current or former City employees. All Official personnel files are maintained in Human Resources.
- C. "Maintain" means collect, file, update, use, or disseminate.
- D. "Access" means to have permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this Policy.
- E. "Official medical file" and "Official insurance file" means insurance and benefits information maintained on current or former City employees. All Official medical and insurance files are maintained in Human Resources. Exception: official medical files on current uniform fire personnel are maintained in the Fire Department and official medical files for current sworn police personnel are maintained in the Police Department.

SECTION 2. General: Effective personnel administration requires the gathering and use of information concerning employees. Personnel files shall be established and maintained in a manner designed to protect the privacy of all concerned.

SECTION 3. Supervisor Responsibilities: Each supervisor is responsible for assuring that employment information is filed in the appropriate personnel file and that all employment information and medical/insurance information is forwarded to Human Resources.

SECTION 4. Request for Personnel Information: To avoid inappropriate disclosure of records pertaining to City employees, all requests for personnel information shall be referred to the Human Resources Department. Departments shall instruct all employees that requests for information regarding current and former employees, made either verbally or in writing, are to be referred to Human Resources. This Policy shall be adhered to regardless of how routine or insignificant the request may be.

SECTION 5. Official Personnel Files: Official personnel files shall be maintained by Human Resources and are the property of the City of Kingman.

- A. Each official personnel file shall contain documentation of official personnel actions.
- B. Department personnel files shall contain the documentation of personnel actions and supervisors notes. Department files shall be relocated to the receiving department when an employee transfers.

- C. Any employee records maintained by the department, aside from those contained in the official department personnel file, shall contain no adverse material that is not contained in the official department personnel file.

SECTION 6. Other Confidential and Medical/Insurance Files: Personnel records containing information of a personal nature including, but not limited to:

1. medical information;
2. background investigations;
3. credit checks;
4. motor vehicle reports;
5. controlled substance drug and alcohol test results;
6. special accommodation requests;
7. garnishments;
8. liens; and
9. grievances

will be maintained in files separate from the employee personnel file and will only be released on a need-to-know basis, unless authorization from the employee is received in writing. Other confidential and medical/insurance files should only be maintained in Human Resources, departments shall forward any such documentation to Human Resources for appropriate keeping.

SECTION 7. Access to Official Personnel Files: Official personnel files shall not be disclosed except as required by law. The following persons may be allowed access to official personnel files:

- A. The City Manager;
- B. The employee or the employee's designated representative who has written authorization from the employee;
- C. Authorized City staff with the approval of the Human Resources/Risk Mgt Director or designee;
- D. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records;
- E. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of the audit;
- F. The employee's supervisor, department director, or designee;
- G. A hiring supervisor interested in an internal candidate, only after an application of employment was made, with a signed Fair Credit Reporting Act (FCRA) form, and the internal candidate is considered a finalist;
- H. If necessary, Human Resources may disclose information to the appropriate party in a lawsuit, grievance, or other proceedings initiated on behalf of the employee. Proceedings

may relate to workers' compensation, unemployment compensation, or other actions relating sought by the employee;

- I. The Human Resources/Risk Mgt Director may provide access to persons other than those cited in this policy upon determination that such persons in the course of their official duties have a valid need-to-know.

SECTION 8. Access to Department Personnel Files: Access to department personnel files shall not be disclosed except as required by law. The following persons may be allowed access:

- A. The City Manager;
- B. The employee or the employee's designated representative, who has written authorization from the employee;
- C. The supervisor, department director, and authorized departmental staff;
- D. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records.

SECTION 9. Identification: Supervisors and/or the Human Resources/Risk Mgt Director or designee shall require reasonable identification of individuals requesting information to assure that records are disclosed only to the proper persons.

SECTION 10. Civil Subpoenas: Human Resources shall respond to civil subpoenas for any personnel records.

SECTION 11. Employee Access: Each employee and/or his/her authorized representative have the right to review the employee's personnel files. With reasonable notice given to Human Resources, all personnel files shall be reviewed at Human Resources in the presence of authorized staff.

SECTION 12. Copy of Records: Employees may request copies of their own personnel records, copies of materials will be furnished in a reasonable timeframe, and the employee may be charged a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.

SECTION 13. Letters of Reference: The City Manager, department director, or immediate supervisor may furnish a reference letter upon an employee's request. The information included in the letter must be based on accurate supporting material contained in the employee's personnel file. Reference letters written on City letterhead stationery must be approved by the Department Director and the Human Resources Director with a copy to be placed in the employee's official personnel file.

SECTION 14. Terminated Employee Personnel Records: Within thirty (30) after an employee separates employment with the City, the supervisor will forward all files on the former employee to Human Resources. Personnel files shall be purged in accordance with Arizona state record retention law. Medical records and records on hazardous exposures must be maintained for thirty (30) years from date of employee separation.

Rule 20. Constructive Discharge

SECTION 1. Communication: Employees are strongly encouraged to communicate to the Human Resources Department whenever they believe working conditions are becoming intolerable and may cause the employee to resign.

SECTION 2. Preservation of Right: In accordance with A.R.S. 23-1502, in order to preserve the right to bring a claim against the City alleging that working conditions forced an employee to resign, the employee must provide adequate notice of “difficult or unpleasant” working conditions before deciding whether to resign. An employee must:

- A. Notify the Human Resources Director, in writing, fifteen (15) calendar days prior to submitting his/her resignation that a work condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.
- B. Allow the City fifteen (15) calendar days to respond in writing to the alleged matter; and
- C. Read and consider the City’s response to the employee’s written complaint.
- D. If the employee rejects the response, he/she may proceed with submitting his/her resignation.

SECTION 3. Leave: Employees who reasonably believe they cannot work while their complaints are investigated, at the discretion of the Human Resources Director and City Manager, may be entitled to paid or unpaid leave up to fifteen (15) calendar days or until the time when the City provides a written response to the complaint, whichever occurs first.

Rule 21. Disciplinary Actions, Administrative Suspension and Special Observation

SECTION 1. Disciplinary Action: A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action. Discipline is not required to be applied in a progressive nature if the severity of the offense warrants more severe consequences.

SECTION 2. Pre-Action Meetings-Discharge, Suspended Without Pay, Demotion: Any employee may be discharged, suspended without pay, or demoted for cause upon the recommendation of the department director to the City Manager. Before a Full-Time or Three-Quarter employee is discharged, suspended without pay, or demoted the employee shall be entitled to a pre-action meeting with the Human Resources Director, and to a post-action appeal as provided by [Rule 24. Appeal Procedures and Rights](#).

The department director who determines that an employee should be demoted, discharged, or placed on administrative suspension without pay shall furnish the affected employee written notice which shall contain the following:

1. The date of the proposed action;
2. The nature of the proposed action;
3. The specific grounds and facts upon which the action is to be taken;
4. Advise employee that he/she will be placed on an administrative leave (with pay) until arrangements for a pre-action hearing can be set with the Human Resources Director or his/her designee as specified in the written notice;
5. That the employee may obtain written materials supporting the action.

The affected employee will have two (2) business days from the written notice to set an appointment with the Human Resources Director or his/her designee. The affected employee is entitled to be assisted by a person of the employee's choosing during the pre-action meeting. The employee shall select a representative who is available on reasonable notice so that the meeting is not unreasonably delayed. The representative shall participate in the interview only as an observer. Unless agreed to by the City, the representative shall be from the City and shall not be an attorney. If the person assisting the employee is a current employee, the assisting employee must seek time approved time off by his/her supervisor. The time off will not be counted as hours worked, however, the representing employee may substitute the time with eligible accrued vacation, compensatory time, or upon approval of his/her supervisor may flex the time within the same work week.

Any relevant information presented by the employee regarding the proposed action shall be considered. The Human Resources Director will make a recommendation in writing to the employee and department director to uphold, modify, or revoke the proposed action. If the

recommendation is to modify or revoke the action, the department director will make the final decision for action. If the recommendation is to uphold the department director's intended action, the action will become final on the date and time specified and the employee may appeal the action using the appeals procedure specified in [Rule 24. Appeal Procedures and Rights](#).

When a department determines that an employee should be out of the work place while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to [Rule 8. Leaves](#).

SECTION 3. Cause for Discipline: Any of the following constitute cause for discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits.
2. Employee lacks competency or efficiency to perform assigned duties and responsibilities.
3. Neglect of duty.
4. Employee has been abusive in attitude, language, behavior, or conduct toward a fellow employee, a supervisor, or the public; or their action has resulted in harm, injury, or fear of it to such persons.
5. Insubordination, willfully disobedient, or has failed to follow reasonable direction of a supervisor.
6. Dishonesty, including but not limited to, falsifying documents, reports, statements, or testimony.
7. Employee has concealed information or failed to properly report an accident or incident under the purview of any federal or state statute, or any City resolution, ordinance, policy or rule.
8. Employee has provided false or malicious information or misrepresented facts or circumstances during an external or internal investigation.
9. The employee has secured employment with the City through misrepresentation or fraud.
10. Employee has stolen public or private property, misappropriated city funds, or has been accomplice in any of these practices while employed by the City of Kingman.
11. Employee has made unauthorized use and/or removal of City property.
12. Employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
13. Employee has deliberately and knowingly misused City provided information infrastructure, including electronic communications.
14. Employee has engaged in conduct, on or off duty, of such nature causing discredit to the City.
15. The employee has violated the City of Kingman's Drug-Free Workplace policy.
16. The employee has been inexcusably absent, has failed to receive prior approval for any paid or unpaid absence, has abandoned their position, feigns sickness or injury, or

- otherwise deceives a supervisor as to their condition or ability to perform the duties of the position, or the employee has falsified a certificate justifying medical leave.
17. Employee has excessive absenteeism or tardiness; or has failed to remain at assigned work station for scheduled work time without prior written authorization.
 18. Failed to perform a full day's work in an efficient and professional manner.
 19. Employee has abused departmental break, lunch period, or leave policy.
 20. Employee took part in gossip; creating disharmony in the work environment.
 21. Employee has refused to perform reasonable light duty that is assigned because of illness, injury, or disability.
 22. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment.
 23. An employee has deliberately and knowingly made false accusations against another employee in order to discredit another employee.
 24. Discourteous treatment of the public, another employee, or any other individual encountered in the work environment. This will be judged by the impact, and not the intent, of the employee's actions.
 25. Employee has violated the City's Weapons Policy.
 26. Engaging in prohibited political activity.
 27. The employee is unsafe to himself/herself or other employees, the public, or city property in the performance of their duties and responsibilities; or the employee has frequently violated safety rules or practices.
 28. 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.
 29. Violation of the [Rule 3. Code of Ethics](#).
 30. Failure to maintain minimum qualifications for the position.
 31. Inappropriate or unauthorized disclosure of confidential information.
 32. Violation of the provisions of the Personnel Rules and Regulations or any other City policy shall be grounds for disciplinary action.
 33. Any other improper conduct or performance, which constitutes cause for disciplinary action.

SECTION 4. Types Of Disciplinary Actions: The City may take varying forms of discipline against its employees. The City reserves the right to take any appropriate disciplinary action that circumstances require. Below is an example of forms of discipline that the City may take. However, this is not an exclusive list.

A. Types of Informal Discipline May Include:

1. Verbal Counseling: A supervisor may engage in verbal counseling with an employee at any time for problem resolution. Verbal counsel shall be documented by the supervisor and the documentation shall be placed in the employee's department personnel file. Verbal counseling may include a follow up written Letter of Instruction to the employee. Verbal counseling is excluded from the grievance and appeal procedures.

B. Formal Discipline:

1. Letter of Reprimand: A supervisor may issue a Letter of Reprimand to an employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. A copy of the Letter of Reprimand, with the employee's acknowledgment of receipt, shall be placed in the employee's department personnel file and filed with Human Resources. The Letter of Reprimand shall advise the employee of the right to write a rebuttal which will be placed in the employee's personnel file within ten (10) days of the receipt of the letter of reprimand.

2. Suspension:

- a. Suspension is considered to be a significant disciplinary action and may be used by a supervisor for more serious incidents or repetitions of improper performance or conduct.
- b. A supervisor may suspend without pay a Full-Time or Three-Quarter employee for a disciplinary reason. Employees may be suspended for any appropriate length of time in full day increments. The Notice of Suspension must be delivered to the employee three (3) business days prior to the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources.
- c. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to a pre-action meeting and the right to appeal the suspension as specified in Section 2 above.
- d. The employee may be suspended until the inquiry is completed and/or the employee is acquitted of the charges, the charges are dismissed, or the employee is otherwise exonerated.
- e. Administrative suspensions that exceed thirty (30) business days must be approved by the City Manager.
- f. At the conclusion of the suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.

C. Disciplinary Pay Reduction: Disciplinary pay reduction is the reduction of an employee's salary not to exceed ten percent (10%). The reduction may be permanent or

temporary and shall be approved by the department director. The disciplined employee receives written notice listing the specific charge(s), period of pay reduction and amount. Temporary pay reduction for FLSA exempt employees shall be in accordance with FLSA.

D. Demotion:

1. Demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. A supervisor may demote a Full-Time or Three-Quarter employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification and the demoted classification is budgeted and vacant.
2. The Notice of Demotion must be delivered to the employee three (3) business days prior to the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with Human Resources.
3. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to a pre-action meeting and the right to appeal the demotion as specified in Section 2 above and [Rule 24. Appeal Procedures and Rights](#).

E. Dismissal/Discharge/Termination:

1. Dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious incidents or repetitions of improper performance or conduct. A supervisor may dismiss an employee for a disciplinary reason.
2. The Notice of Intent to Terminate must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Intent to Terminate shall be filed with Human Resources.
3. The Notice of Intent to Terminate shall contain the specific reason(s) for the discharge in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to a pre-action meeting and the right to appeal the dismissal as specified in Section 2 above

SECTION 5. Special Observation Period: A supervisor may place an employee on a Special Observation Period (aka Disciplinary Probation) for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. A Special Observation Period may or may not be issued in conjunction with a disciplinary action and shall not be less than thirty (30) days. Unsuccessful completion of administrative probation may result in further disciplinary action up to and including termination.

- A. The Notice of Special Observation Period shall be provided to the employee in writing, upon the effective date, and shall specify the conduct involved, the purpose of the

observation period, a performance improvement plan, and the length of the period. A copy of the Notice of Special Observation shall be placed in the employee's department personnel file and filed with Human Resources.

- B. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) being monitored. A copy of the report shall be placed in the employee's department personnel file and filed with Human Resources.
- C. Unsatisfactory performance or conduct during the Special Observation Period may result in further disciplinary action, up to and including termination. Unsuccessful completion of the Special Observation Period may result in further disciplinary action up to and including termination.

SECTION 6. Effective Date: The demotion, administrative suspension, suspension, or dismissal for a disciplinary reason shall be effective on the date stated in the notice. The effective date of the action shall not be altered by the employee exercising the right of appeal.

SECTION 7. Not Appealable: Informal disciplinary actions, written disciplinary reprimands, special observation periods, disciplinary reduction in pay, and suspensions with pay are not appealable actions.

Rule 22. Resignations, Lay-offs, Terminations

SECTION 1. Notice of Resignation: Written notice of resignation shall be submitted to the department director or the employee's supervisor at least ten (10) business days prior to the effective date of the resignation. If written notice is not received, oral notice of resignation becomes effective on the date stated by the employee and must be witnessed and documented by the department director or employee's supervisor. A written confirmation of the resignation shall be sent to the employee within three (3) business days of the employee's oral/written notification.

SECTION 2. Constructive Discharge: In accordance with ARS § 23-1502, if an employee believes that intolerable working conditions exist that compel him/her to resign, in order to preserve the right to bring a constructive discharge claim against the City, the employee must notify the department director and Human Resources Director in writing fifteen (15) calendar days prior to submitting his/her resignation. See [Rule 20. Constructive Discharge](#) for more information.

SECTION 3. Resignation in Lieu of Termination: At times it might be in the best interest of the City and the affected employee if the affected employee is offered an opportunity to resign in lieu of termination. The department director will consult with Human Resources to insure the appropriateness of the action. Upon agreement by the department director and Human Resources, the affected employee may be orally advised of the option to resign or be terminated. If the affected employee offers to resign the employee must submit his/her resignation in writing by the end of that business day. If the employee fails to submit a resignation after indicating he/she would, notice of intent to terminate will be issued and there will be no further consideration of resignation in lieu of termination. If resignation is accepted in lieu of termination, the employment separation will be classified as such and the separation will not be considered as 'good standing' for the purpose of other provisions within these policies. All employment reference checks will indicate the employee resigned and if asked if the former employee is eligible for rehire, the City may state conditional upon review. If the former employee signed a release of records to the prospective employer, the City shall comply with the release. At no time shall a resignation be accepted in lieu of termination if the reasons for the termination include any of the following infractions:

- Violation of the City's Harassment/Workplace Violence/Weapons policies;
- Violation of the City's Drug Free Workplace policy;
- Falsification of records and/or theft of City property;
- Violations resulting in criminal charges pending against the employee.

SECTION 4. Elected Position: An employee who is chosen for a City of Kingman elected position, or an employee whose principal job is in connection with an activity wholly or partly funded by federal loans or grants and who is elected to a partisan local, state, or federal office, or employees elected to the office of County Board of Supervisors, Federal or State legislative

office, or any elective office considered full-time shall resign from City employment prior to taking the oath of office of such elected office – see [Rule 3. Code of Ethics](#).

SECTION 5. Uniformed Services: In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a regular employee inducted, ordered, or enlisted into active service of the uniformed service may resign from City employment and retain all reemployment rights. Pursuant to USERRA, a termination action for the purpose of military service is not considered a “break in service” if the employee has been separated for less than five (5) years. See [Rule 8. Leaves. Section 19](#) for more information regarding Uniformed Services.

SECTION 6. Dismissal: A dismissal is the involuntary termination of employment for a disciplinary reason as provided in [Rule 21. Disciplinary Actions](#).

SECTION 7. Termination During Introductory Period: An employee may be terminated, without the right of appeal, at any time during an introductory period, see [Rule 6. Classification Plan & Introductory Periods](#). However, the terminated employee may file a grievance in accordance with [Rule 23. Grievance Procedures](#) if unlawful discrimination is alleged.

SECTION 8. Reduction In Force/Lay Off (RIF): RIF shall not be used in lieu of discipline.

- A. **Purpose:** When it becomes necessary, due to lack of work, funds, other budgetary limitations, or other reasons as specified within these Rules and Regulations to implement a Reduction in Force (RIF), a systematic procedure will be used to ensure business operations remain sound and employees are treated objectively. The purpose of this policy is to provide an orderly system for identifying positions and employees affected by a RIF, and to describe the potential employment placement options, if available, that may be offered at the discretion of the City Manager.
- B. **Policy Statement:** A RIF is an extremely difficult business decision for an organization. It is the City of Kingman’s intent to treat all impacted employees with dignity and respect and to assist the employees through the RIF process.
- C. **Procedures:** The following procedures provide overall direction and outline the various components the City of Kingman may consider during a RIF. Specific detailed procedures for the implementation of this policy will be developed by Human Resources and approved by the City Manager at the time of the RIF.
- D. **Notification:** When the City Manager or a department director determines a RIF is necessary, the City Manager or department director shall determine the number of positions to be reduced from each classification within the applicable department(s) or division(s). Reductions in Force may be made City-wide, on a Department-by-Department basis or within a particular position classification, depending on the circumstances justifying the reduction in force.

The City Manager shall review, and if approved, forward the list of classes to the Human Resources Director.

The Human Resources Director will determine the employees identified for layoff based on retention scores (see F. below) and will transmit the names of these employees to the department director(s).

Employees shall be given at least fourteen (14) calendar days written notice that their position will be eliminated.

- E. Order of RIF: Employees within each affected department or position classification are to be selected for layoff in the following order:
1. Seasonal; Temporary; or Relief (Sick/Vacation) employees are to be laid off first;
 2. Non-Classified Part-Time B employees are considered next;
 3. Classified and Non-Classified Part-Time A employees who have been employed by the City for less than six months are to be laid off next;
 4. Non-Classified Part-Time A employees who have been employed for six months or more shall be laid off next;
 5. Classified Three-Quarter and Full-Time employees who have been employed less than six months are to be laid off next;
 6. Classified Three-Quarter and Full-Time employees who have been employed for more than six months shall be laid off based on their length of service, unless F. 3. applies.
- F. Determination of Retention Scores (all Classified and Non-Classified Part-Time A):
1. The incumbents with the lowest seniority identified for reduction within a department or division will be laid off first, unless F. 3. applies. If two employees in the same classification identified for a RIF have the same retention rating, the tie will be resolved by the department director considering the factors identified in F. 3. below.
 2. Seniority is defined as the total consecutive years/months of City of Kingman employment.
 - Active Duty Reserve Military Training during City of Kingman employment will be considered as credited employment (without a break in service) up to the 30 days every two years – see Military Leave policy.
 - Federal Active Duty or Active Duty for Special Work during City of Kingman employment shall be credited toward continuous employment providing the employee's obligation to report back to work or request reemployment is met – see Military Leave policy.
 - Absences authorized under the Family Medical Leave Act and the Arizona Victim's Leave Law shall be considered continuous employment.

- Absences caused by a compensable industrial injury shall be considered credited employment.
 - If special leaves without pay exceed thirty (30) calendar days, the excess days over thirty (30) shall not be counted as credited service/employment.
 - Employees shall only receive one-half service credit for every day spent in employment in a Part-Time B or Part-Time A status.
 - Seniority shall be computed by using the most recent hire date if there has been any break in service in excess of thirty (30) days. Previous service will not be counted.
 - City-paid Seasonal; Temporary; or Relief employee time does not count towards year of service.
3. Layoffs may take place out of the order of seniority if, in the judgment of the department director and City Manager, in consultation with the Human Resources Director and City Attorney, it is determined that one or more of the following conditions exist:
- a. Retention of employees with special skills is required, or if those employees remaining after the RIF would not have the demonstrated ability and qualifications to perform the required services;
 - b. Disciplinary corrective action is documented in the employee's personnel file; or
 - c. If disparate impact would result.
4. Human Resources shall notify employees to be laid off, in writing, as soon as possible, but no later than fourteen (14) calendar days prior to the effective date of layoff. The written notice shall be hand delivered or sent by registered mail. The notice shall contain the effective date of layoff, pre-layoff reappointment, and reemployment and reinstatement rights.

G. Placement: A Full-Time or Three-Quarter employee who is subject to RIF may:

1. Be placed in a vacant position that is funded and approved to fill, in the same department, at the same or lower pay range, provided the employee meets the minimum qualifications, including hours worked, and is able to perform the essential functions of the classification as determined and approved by the department director and the Human Resources Director. At the discretion of the City Manager, seniority may or may not be a factor in placement selection.
2. Be placed in a vacant position that is funded and approved to fill, in a different department, at the same or lower pay range, provided the employee meets the minimum qualifications, including hours worked, and is able to perform the essential functions of the classification as determined by the department director (over the vacant classification) and the Human Resources Director. At the discretion of the City Manager, seniority may or may not be a factor in placement selection.

- H. The effective date for pre-layoff reappointment shall be before the date on which the layoff would have been effective. The employee shall retain all accrued sick leave, vacation leave, and compensatory time and be subject to an introductory period, see Classification Plan & Introductory Periods policy.
- I. RIF List and Recall Procedures:
1. An employee who is laid off or placed in another position as a result of RIF will be placed on a RIF list, unless the employee opts out. While on the recall list, employees should report in writing to Human Resources if they become unavailable for recall. Removal from the recall list, whether by the passage of one year or the unavailability of the employee, terminates all employment rights. Recall candidates who fail to keep a current home address and telephone number on record with the Department of Human Resources will lose their recall rights. Employees on the RIF list will be considered for reemployment or reinstatement to the same class previously held, as such funded positions become available.
 2. The RIF list will remain in effect for a period of one (1) year.
 3. Notice of recall will be sent by certified mail, return receipt requested, to the current home address furnished by the individual to the Department of Human Resources. Unless an employee responds to the recall notice within seven (7) days following receipt of the notice or its attempted delivery, the employee's name will be removed from the recall list and all employment rights will terminate.
 4. Credit for seniority will continue to accumulate during any layoff of thirty (30) days or less.
 5. Employees laid off for more than thirty (30) days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
 6. A reemployed individual from a RIF list shall return to service without loss of accrued sick leave. In addition, the individual shall begin accruing vacation leave at the same rate as they were at the time of separation. (There will be no accrual of benefits or increase in pay during the layoff period.)
 7. An employee who was placed into another City position as a result of RIF may be considered for return to a position in his/her previously held classification. At the discretion of the department director, the employee's pay may remain the same (if within the new range), or may be increased up to his/her prior rate of pay.
- J. Grievance Rights: Filing a grievance as a result of a Reduction in Force action is specifically excluded, unless the grievance is based on [Rule 2. Equal Employment Opportunity](#) and [Rule 15. Harassment and Violence in the Workplace](#) regarding discrimination. An employee subject to RIF believes that these rules may apply, he/she shall follow the grievance procedure as outlined in the [Rule 23. Grievance Procedures](#).

SECTION 9. Termination For Other Reasons: Barring reasons related to disciplinary action, the follow is an example of other reasons an employee may be terminated from employment:

- A. Employees on introductory status and Non-Classified employees may be terminated at any time without cause and with no right of appeal.
- B. Any employee may be terminated pursuant to violation of the Personnel, Rules and Regulation, Safety Policies, federal, state, or local laws and ordinances.
- C. An employee whose position is not or partially City-funded may be terminated for lack of funding.
- D. An employee may be terminated for inability to meet the minimum qualifications, for failure to pass a required background check, or for failure to maintain licensing, certification or other requirements for the position currently held.
- E. An employee may be terminated for failure to return to work from an approved leave of absence.
- F. An employee injured on the job may be involuntarily terminated when it is determined by the City Physician/Industrial Insurance Physician that the employee is unable to perform the duties of the position or after one (1) year of absence. The employee may continue to receive benefits as defined in the Arizona State Workers' Compensation Statutes.
- G. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.
- H. The duration of the seasonal, temporary, or relief period ends.

SECTION 10. Separating Procedures: (amended 11/1/12) The employee shall adhere to checkout procedures as outlined by the department. Failure to comply may result in a delay in the issuance of an employee's final paycheck and may delay processing from the appropriate retirement system. Checkout procedures to be completed by a separating employee shall include but not be limited to:

- A. Return of all equipment and supplies to the designated unit charged with their maintenance. This includes keys, identification cards, clothing, etc.;
- B. Payback of any outstanding financial obligations such as educational reimbursement, travel advances, personal telephone expenses, etc.;
- C. Recognize accrued leave benefits will not occur for the pay period in which separation of service takes place;

- D. Shift differential, certification pay, standby pay, and acting pay in effect at the time of termination shall be included in the calculation of accrued payment for compensatory time;
- E. Benefits terminate the first of the month following the date of termination;
- F. Meet with Human Resources to determine options for benefits;
- G. Arrangement for final paycheck through supervisor;
- H. ARS § 23-353 provides:
 - 1. Employees who are involuntarily terminated shall be paid wages due within seven (7) business days or at the end of the next regular pay period, whichever is sooner.
 - 2. Employees who resign may be paid in the usual manner all wages due no later than the regular payday for the pay period during which the termination occurred. If requested by the employee or the employee does not make arrangements to pick up his/her final checks, such wages may be paid by mail.
- I. Participate in exit interviews, when offered.

Rule 23. Grievance Procedures

SECTION 1. Purpose of Grievance Procedures: The purpose of the grievance and appeal procedures is to provide eligible employees who are aggrieved about a situation affecting the conditions of their employment with a just, effective, timely, and equitable method for the resolution of the matter without discrimination, coercion, restraint or reprisal against the employee when the employee either submits or is involved in a grievance. Any contention that the City has failed to comply with any obligation it has made to an employee through its ordinances, Personnel Policies, or any other written or verbal commitments must be raised pursuant to these grievance procedures, and these procedures provide the exclusive remedy for any such claim.

SECTION 2. General: If an employee complaint or problem is not resolved by informal consideration, then the employee may formalize the consideration by filing a [Grievance Complaint](#) form for actions identified in this rule and utilizing the procedures defined in this rule. If an employee elects to formalize the attempt for resolution of a complaint or problem, one of the following procedures shall be used:

- A. If the complaint alleges an improper overall performance rating of unsatisfactory, the employees shall use the grievance procedure.
- B. If the complaint alleges misinterpretation or misapplication, of the Personnel Policies or administrative procedures, the employee shall use the grievance procedure.
- C. If the complaint alleges adverse action to the employee, other than suspension without pay, demotion, or dismissal, based on unlawful discrimination because of race, religion, color, creed, national origin, sex, age, political affiliation or disability, or for retaliation, or on harassment or creation of a hostile work environment, the employee may forego the grievance procedure and proceed to file a complaint with the Human Resources Director, City Manager or City Attorney utilizing the [Discrimination / Retaliation / Harassment Complaint](#) form.
- D. If the complaint alleges improper suspension without pay, involuntary demotion or discharge on any grounds the employee may forego the grievance procedure and proceed directly with the appeal procedure.
- E. If the complaint alleges a matter other than that identified by this rule, employees are encouraged to discuss the complaint on an informal basis with appropriate management personnel.

SECTION 3. Prohibited Grievances: The grievance procedure may not be used for matters involving:

- A. Compensation and Classification Plans;

- B. Overall satisfactory performance evaluations;
- C. Informal disciplinary actions such as oral counseling, letters of instruction, written warnings;
- D. Letter of Reprimand;
- E. Supervisory or management style.

SECTION 4. Filing Grievance Procedures: Grievances shall be presented according to the following procedure:

- A. Form: The grievance shall be presented in writing, utilizing the [Grievance Complaint](#) form and shall be dated. It shall include a statement that the writing is a grievance, the name of the employee filing the grievance, the action which is the subject of the grievance, the date of the action, and a statement of the remedy sought.
- B. Filing with Supervisor and Time Limit: The employee shall present a grievance to the immediate supervisor within seven (7) business days after notification of or occurrence of the action which gives rise to the grievance.
- C. Filing with the Department Director: If the response of the immediate supervisor does not resolve the grievance or if no response is received from the immediate supervisor and the employee wishes to pursue it further, the employee shall present it to the department director in writing within seven (7) business days after receiving the decision of the immediate supervisor.

The department director shall consider the grievance and shall give the employee dated, written notice of a decision within seven (7) business days of the receipt of the grievance.

- D. Filing with the City Manager: If the response of the department director does not resolve the grievance or no response is received from the department director and the employee desires to pursue it further, the employee must present it in writing to the City Manager within seven (7) business days after receiving the decision of the department director, or within seven (7) business days after the decision of the department director would have been due to the employee if no written response was received by the employee. At this time, the employee shall submit a copy of the grievance, and any supervisor or department director responses, to the Human Resources Director.

A copy of the grievance and the replies from the immediate supervisor and the department director shall be attached to the grievance to the City Manager.

The City Manager or his/her designee shall consider the grievance and shall give the employee dated, written notice of decision within seven (7) business days of the receipt of the grievance.

The decision of the City Manager for grievances is final and is not appealable.

SECTION 5. Time Computation: The computation of the business days shall be as follows:

- A. The date of notice of the action giving rise to the grievance, if written action, shall be the date of the delivery of a notice if handed to the appellant, or the date of mailing of the notice if sent by U.S. mail. If the notice is mailed, three (3) business days shall be added to the time in which a response is due.
- B. If the action grieved is not a written action, the date of action shall be the date on which the aggrieved action occurred.
- C. The period of time for filing the grievance starts on the day following the date of notice or occurrence of the action giving rise to the grievance.
- D. The grievance period ends at 5:00 p.m., (close of business) on the final date for grievance.

SECTION 6. Time Limit: Failure of the employee to take action within the time constraints of this Rule shall constitute a waiver of any further action.

SECTION 7. Reprisal: Employees shall be assured freedom from reprisal for using the grievance process.

Rule 24. Appeal Procedures and Rights

SECTION 1. Scope: Employees have appeal rights only with respect to the following disciplinary measures: suspension without pay, involuntary demotions, and discharge. All full-time and three-quarter employees have appeal rights for eligible causes. An employee eligible for appeal rights shall be entitled to a pre-action hearing and to a post-action appeal as provided by this rule. Employees terminated in the introductory period shall not be entitled to a pre-action or post-action appeal hearing.

SECTION 2. Notice Of Intended Action: A department director who determines that an employee should be suspended without pay, involuntarily demoted or discharged, shall furnish the employee with a written notice of the reasons for the action. The written notice shall contain the following:

- A. The date of the proposed action;
- B. The nature of the proposed action;
- C. The specific grounds and facts upon which the action is to be taken;
- D. The applicable rules and regulations;
- E. State to the employee that he/she will be placed on an administrative leave (with pay) until date of intended action;
- F. Inform the employee of his/her right to a pre-action hearing and post-action appeal.

SECTION 3. Pre-Action Hearing: Any employee may be discharged, suspended without pay, or demoted for cause upon the recommendation of the department director to the City Manager. Before a Full-Time or Three-Quarter employee is discharged, suspended without pay, or demoted, the employee shall be entitled to a pre-action meeting with the Human Resources Director, and to a post-action appeal.

The department director who determines that an employee should be demoted, discharged, or placed on administrative suspension without pay shall furnish the affected employee written notice which shall contain the following:

- 1. The date of the proposed action;
- 2. The nature of the proposed action;
- 3. The specific grounds and facts upon which the action is to be taken;
- 4. Advise employee that he/she will be placed on an administrative leave (with pay) until arrangements for a pre-action hearing can be set with the Human Resources Director or his/her designee as specified in the written notice;
- 5. That the employee may obtain written materials supporting the action.

The affected employee will have two (2) business days from the written notice to set an appointment with the Human Resources Director or his/her designee. The affected employee is entitled to be assisted by a person of the employee's choosing during the pre-action hearing. The employee shall select a representative who is available on reasonable notice so that the meeting is not unreasonably delayed. The representative shall participate in the interview only as an observer. Unless agreed to by the City, the representative shall be from the City and shall not be an attorney. If the person assisting the employee is a current employee, the assisting employee must seek approved time off by his/her supervisor. The time off will not be counted as hours worked, however, the representing employee may substitute the time with eligible accrued vacation, compensatory time, or upon approval of his/her supervisor may flex the time within the same work week.

Any relevant information presented by the employee regarding the proposed action shall be considered. The Human Resources Director will make a recommendation in writing to the employee and department director to uphold, modify, or revoke the proposed action. If the recommendation is to modify or revoke the action, the department director will make the final decision for action. If the recommendation is to uphold the department director's intended action, the action will become final on the date and time specified and the employee may appeal the action using the appeals procedure specified herein.

When a department determines that an employee should be out of the work place while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to [Rule 8. Leaves](#).

SECTION 4. Method of Appeal: Appeals shall be in writing, signed by the appellant, and filed with the City Manager, within ten (10) business days of the date of the action to be appealed. Appellants may use the attached [Request to Appeal](#) form. The City Manager shall within ten (10) business days after receipt of the appeal, inform each member of the Personnel Board and such other persons named or affected by the appeal, of the filing of the appeal. The appeal shall be a written statement, addressed to the City Manager, explaining the matter appealed and setting forth therein a statement of the action desired by the appellant, with reasons therefore. The formality of a legal pleading is not required.

SECTION 5. Notice: Upon the filing of an appeal, the Human Resources Director shall contact the Personnel Board and set a hearing on the appeal no less than twenty (20) business days, or more than ninety (90) business days from the date of filing. The Human Resources Director shall then notify all interested parties of the date, time, and place of the hearing. Hearing dates may be extended should the Personnel Board elect to have present an Arizona stated certified Hearing Officer or as authorized by the Chair and Co-Chair.

SECTION 6. Pre-Hearing Conference: At least fourteen (14) calendar days prior to the hearing date, the appellant, their representative (if applicable), Personnel Officer, City legal representative, Personnel Board Chairperson and Co-Chairperson shall meet to discuss and exchange any information which is to be presented at the hearing. Each party shall provide the other with eight (8) copies of the information to be exchanged. The number of witnesses by either party shall be in an amount reasonable to provide for a fair hearing and will be determined at the Pre-Hearing Conference by the Personnel Board Chairperson or Co-Chairperson. The

Human Resources Director shall then forward this information to the Personnel Board at least seven (7) days prior to the hearing. No new evidence shall be permitted after the exchange of information.

SECTION 7. Witnesses: It shall be the responsibility of each party to contact and secure his/her own perspective witnesses. The number of witnesses by either party shall be in an amount reasonable to provide for a fair hearing. The Human Resources Director shall notify all witnesses who are current employees of the time to be present at the hearing. This shall count as hours worked for witnesses who are current employees. It shall be the responsibility of the appellant to notify any of their witnesses who are not City employees of the time to be present at the hearing. The cost of the appellant's witnesses who are not City employees will be the responsibility of the appellant.

SECTION 8. Hearings: Hearings shall be closed unless the appellant requests an open, public hearing. The appellant shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the hearing. Appellant may be represented by any person (other than a Board member) or attorney as he/she may select. The City shall state their case first and, at the conclusion, appellant matters may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the Personnel Board Chairperson. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Personnel Board by its Chairperson, with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. The Personnel Board may exclude from any portion of the hearing any or all other witnesses in the matter being heard by the Board.

SECTION 9. Findings and Recommendations: Within ten (10) business days after the conclusion of the hearing, the Personnel Board shall certify, in writing, its findings and recommendations to the City Manager, and to the appellant. These recommendations shall be to determine if the City was arbitrary and capricious in the action being appealed and shall be advisory to the City Manager. Any member of the Personnel Board may submit a minority or supplemental finding and recommendation. The City Manager shall review the findings and recommendations of the Personnel Board and may then in writing, he/she shall affirm, revoke, or modify the action recommended as, in his/her judgment, deems warranted, and the action taken by the City Manager shall be final.

Rule 25. Personnel Board

SECTION 1. Establishment: A seven (7) member Personnel Board shall be appointed by the Mayor and Common Council from citizens outside the employment of the City of Kingman in accordance with procedures established by the Kingman Code of Ordinances for advisory boards, commissions, and committees.

- A. Hearing Officer: In hearings where both the City of Kingman and the Appellant will be represented by legal counsel or other reasons chosen by a majority vote of the Board, the Board may contract with an Arizona State Certified Hearing Officer. Any costs associated with a Hearing Officer will be paid by the City of Kingman. The sole purpose of the Hearing Officer will be to assist the Board Chairperson and Co-Chairperson with proceedings of the hearing and will be a non-voting member.

SECTION 2. Selection of Chairperson and Co-Chairperson: The Board is to select a Chairperson and Co-Chairperson through a process of nomination and election by a majority of the Board. This process may be by phone, mail in ballot or in closed session of a quorum of the Board.

SECTION 3. Meeting: The Personnel Board may hold meetings at such time and place within the City as shall be designated by the Chairperson of the Board. Any meeting may be adjourned to a certain time and to a place designated by the Chairperson. The Board may hold meeting upon the call of the Chairperson, a majority of the members of the Board, or at the request of the City Manager. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such rules and procedures as may be adopted by the Personnel Board.

SECTION 4. Duties: The duties of the Personnel Board shall consist solely of the conduct of hearings relating to, and the rendering of advisory opinions on matters properly brought before the Board under the appeal procedures established in [Rule 24. Appeal Procedures and Rights](#).

Rule 26. Volunteers

SECTION 1. Purpose: Volunteers provide a valuable service to the City of Kingman. The City is committed to ensure that volunteers are: appropriately placed, protected and appreciated as they give their time and talents to the community.

The purpose of this volunteer policy and procedure is to provide City departments with guidelines to assist them in recruitment and placement of volunteers. In addition, departments need to ensure volunteers are protected with workers compensation and general liability coverage. City departments currently using volunteers should confirm that their policies and procedures meet these minimal standards or exceed them.

SECTION 2. Scope: This policy applies to all volunteers of the City who regularly perform service for, and directly related to, the business of the City without expectation of monetary or material compensation. This policy does not apply to:

- Those who volunteer for a specific limited special event (less than 30 contiguous days);
- Those with a written IGA or formal Agreement with the City;
- Those who volunteer in written programs directed by a City Commission;
- Those who volunteer as part of a school resource program;
- Those individuals fulfilling court-ordered community service hours.

SECTION 3. Volunteer Agreement: Volunteers may not perform any work until he/she has signed the [Volunteer Agreement](#) form and completed an orientation relevant to the assignment as determined by the department. Volunteers performing long term assignments shall also attend a basic City employee orientation session provided by Human Resources.

SECTION 4. City Policies and Benefits: Volunteers shall abide by City policies that govern their actions, which will be job specific and provided by the supervisor; including but not limited to those of ethical behavior, proper use of City property and resources, confidentiality, financial responsibility, and refraining from illegal drug and alcohol use.

Volunteers are not considered employees for any purpose other than for purposes of general liability protection. They are not eligible for retirement, health or any other benefits. Volunteers should report any concerns or incidents that may be in violation of the City of Kingman's Personnel Rules and Regulations, or any other local, state, or federal law or for unsafe work practices or conditions.

Departments may establish mileage and/or expense reimbursement schedules for volunteers, if funded and applied equally to all volunteers in similar assignments.

SECTION 5. Accepting Volunteers: The Department Director or their designee may approve volunteers meeting minimum qualifications to perform an assignment. Departments are not required to accept all volunteers and have the discretion to decline a volunteer's services. Volunteers may not replace classified employees.

Volunteer service and assignments may be terminated or amended at the discretion of the Department Director acting on behalf of the City.

SECTION 6. Volunteer Screening: A prospective volunteer's qualifications may be screened to determine fitness for an assignment. Each department will develop a description of the assignment. Background check requirements will be conducted and reviewed by Human Resources/Risk Management for volunteer positions other than police volunteers. Such a process may include: an interview and reference check, a background check and/or fingerprinting and a skills test.

SECTION 7. Application Process: Completion of [Volunteer Agreement](#) form, application packet, and release and consent form will be completed on each volunteer. No volunteer may begin training until they have successfully cleared any required background check.

SECTION 8. Volunteer Training: Each department will be responsible for training their volunteers. Training must be completed successfully before the volunteer may begin the assignment. If volunteers will be working with machines and/or equipment, they must be provided with the proper personal protective equipment. If the volunteer will be working with machines and/or hazardous equipment, they must be directly supervised by a trained staff member or experienced volunteer.

SECTION 9. Orientation: A volunteer orientation and job specific training will be determined by the Department and may include:

- Loss Control/Haz Com/Evacuation Training
- Harassment/Diversity/Violence in the Workplace Training
- Electronic Communications/Acknowledgement
- Department Specific Information
- Job Specific Training
- Code of conduct
- Conflicts of Interest
- Other Training as applicable

SECTION 10. Minors: Child Labor Laws must be adhered to; minors are not allowed to work with any type of machinery and/or equipment under any condition as defined in the aforementioned laws. Supervisors must ensure the following conditions are met:

1. Persons under the age of 18 must obtain written consent from parent or legal guardian to volunteer;
2. The minimum age of a City volunteer is 15;
3. Minors may work during non-school hours only, unless a written release giving the consent of their school or home school is obtained;
4. Minors are not to operate power tools, machinery or City vehicles or any other restricted activity as outlined by Arizona Child Labor Laws;
5. Volunteers under the age of 18 will not be permitted to ride along with City employees in City vehicles without prior written permission from the parent or legal guardian and prior permission from the Department Director. If the City employee is the legal parent or guardian of the minor doing the ride along, only prior written permission from the Department Director is required.

SECTION 11. Employee performing volunteer service: Under the Fair Labor Standards, a non-exempt employee cannot be both a paid employee and non-paid volunteer while performing the same type of work for the same employer. Current City of Kingman employees who wish to volunteer in their current or another department must seek approval by each involved department director and the Human Resources Director. This will ensure that the work is truly of a voluntary basis and none of the voluntary work that is performed is the same as or similar to the work they currently perform for their department and within their current job classification. Such similar or same work would be deemed compensable and therefore would negate the ability of the employee to perform voluntary work. If the employee is approved to perform the volunteer work, the employee shall be required to complete the volunteer agreement.

SECTION 12. Insurance requirement: For workers compensation purposes, long-term regular volunteers are considered employees of the City while they are performing their duties for the City. The City is responsible to provide this coverage without cost to the volunteer. Volunteer hours must be reported by each department to Human Resources monthly.

SECTION 13. Use of Privately Owned Vehicles: If a volunteer is authorized to use their privately owned vehicle on City business, the owner of the vehicle has primary liability for accidents arising out of maintenance or use of that vehicle. Private vehicle accidents should be reported to the volunteer's insurance company. The driver's insurance company is primary and minimum limits of liability must be maintained. City liability, if any, is secondary.

SECTION 14. Driving: Volunteers who drive in any capacity for the City shall submit their driver's license to be photocopied, authorize the City to obtain MVD records, and provide proof of current insurance coverage if driving will be done in their personal vehicle. Any suspension of a driver's license or lapse of insurance shall be reported immediately to the volunteer's supervisor.

SECTION 15. Use of City Vehicles: Departments are responsible for deciding which assignments require the use of City vehicles and for screening volunteers for ability and safety to drive. Departments must notify Human Resources of which volunteers will operate City vehicles to ensure MVD records and proof of insurance are obtained.

SECTION 16. Use of Electronic Communications: Volunteers will abide by the same standards of conduct for use of any electronic communications and other resources as City employees. Volunteers may be assigned a phone extension or email address in accordance with department policies and the requirements of the assignment.

SECTION 17. Volunteer Reassignment/Termination: If a Department or a volunteer determines the assignment is not productive or suitable, either may initiate a reassignment or termination. All transactions must be documented.

**CITY OF KINGMAN
REQUEST OUTSIDE EMPLOYMENT FORM**

Conditions for Outside Employment:

- Secondary job does not interfere with efficient job performance.
- It does not in any way conflict with the interests of the City of Kingman.
- It is not a type of employment which would reasonably give rise to criticism or suspicion of conflicting interests or duties.
- Secondary employment is not allowed in any eight (8) hour period immediately prior to a regular work shift for the City.
- Secondary employment must be approved by the supervisor, department director and the City Manager or designee.

Employee Name: _____ Department: _____

Proposed Outside Work Type:

Employer:

Location:

Work Schedule (Days Worked):

Time Worked: _____ AM/PM to _____ AM/PM

Comments:

Department Director

Approval

Disapproval

Signature

Date

Restrictions/Reason:

City Manager

Approval

Disapproval

Signature

Date

Restrictions/Reason:

Original to Personnel File Copy to Supervisor/Employee



REQUEST TO FILL VACANT POSITION City of Kingman

Department:	Division:
Vacant Classification:	<input type="checkbox"/> 1.00 FTE (40 hpw) <input type="checkbox"/> 0.75 FTE (30 – 39 hpw) <input type="checkbox"/> Part Time A (20 – 29 hpw) <input type="checkbox"/> Part Time B (<20 hpw) <input type="checkbox"/> Seasonal, Temporary or Relief
Number of Authorized FTE in Classification:	Number of Current Vacancies:
Number of Requested Positions to be Filled:	Source of Funds:
Projected Employment Start Date: _____	For Seasonal, Temporary or Relief: Work Hours: _____ Begin Date: _____ End Date: _____
Justification to Fill Position (attach additional sheet if necessary):	
Impact if Position is Not Filled (attach additional sheet if necessary):	

**APPROVAL MUST BE RECEIVED BEFORE INITATING RECRUITMENT.
SUBMIT YOUR APPROVED REQUEST TO HUMAN RESOURCES.**

Authorized Signatures:

Supervisor: <div style="text-align: right;">Date</div>	Department Director: <div style="text-align: right;">Date</div>
Request to Fill Position is City Manager: <div style="text-align: right;">Date</div>	<input type="checkbox"/> Approved <input type="checkbox"/> Denied Comments:
RECEIVED BY HUMAN RESOURCES	Human Resources Director <div style="text-align: right;">Date</div>



CITY OF KINGMAN HUMAN RESOURCES DEPARTMENT

Applicant Name: _____ **Date:** _____

Position Applied For: _____

REQUEST FOR AWARD OF PREFERENCE POINTS

<input type="checkbox"/> VETERAN (attach DD214 showing character of discharge)	<input type="checkbox"/> SPOUSE OR SURVIVING SPOUSE	<input type="checkbox"/> DISABLED APPLICANT	<input type="checkbox"/> DISABLED VETERAN
--	--	--	--

As provided by ARS §38-494, preference points will be awarded during the pre-certification process to applicants who have received a passing score on an employment process. Preference points allow eligible applicants additional opportunity to be interviewed or otherwise reviewed by the hiring department for an initial hire appointment with the City of Kingman.

- Veterans meeting the statutory requirement shall be awarded five (5) preference points.
- The spouse or surviving spouse of a veteran who meets the statutory requirements shall be awarded five (5) preference points.
- Five (5) preference points shall be awarded to disabled applicants.
- A total of ten (10) preference points shall be awarded to disabled veterans who meet the statutory requirements and submit the required documentation.
- The City of Kingman Personnel Rules provides for disqualification of an applicant where a false statement of material facts has been made.

APPLICANT SIGNATURE: _____

**CITY OF KINGMAN, ARIZONA
Personnel Action**

Date Created / by

Date:

Name:

Employee (Full name as indicated on Soc Sec card)

Position No.

Dept No.

Effective Date

TYPE OF ACTION

TYPE OF APPOINTMENT

FULL TIME	TEMPO-RARY	PART TIME		FLSA EXEMPT	FLSA NON-EXEMPT	NEW POSITION	REPLACE-MENT	CLASSIFICATION
		A	B					

WORKER'S COMP CLASS NO	CERTIFICATION PAY			
	ADD:	DELETE:	CHANGE:	
	TYPE			AMOUNT
SHIFT PAY	1.			\$
ADD	2.			\$
DELETE	3.			\$
	4.			\$

SALARY CHANGE

PRIOR BASE			TO: NEW BASE		
GRADE	STEP	ANNUAL	GRADE	STEP	ANNUAL
		\$			\$

EMPLOYMENT SUBJECT TO SUCCESSFUL COMPLETION OF DRUG SCREEN & BACKGROUND REVIEW

EMPLOYEE WILL BE ON INTRODUCTORY STATUS UNTIL: (DATE)

NOTE REMARKS, EXPLANATION, JUSTIFICATION BELOW (ATTACH ADDITIONAL PAGES IF REQUIRED)

AT TERMINATION/RESIGNATION: IS EMPLOYEE ELIGIBLE FOR REHIRE? Mark one section only. YES _____ NO _____ YES, W/ REVIEW _____

APPROVED – DEPARTMENT HEAD

APPROVED – HUMAN RESOURCES

APPROVED – CITY MANAGER

Date:

Date:

Date:

HUMAN RESOURCES / PAYROLL DEPARTMENT USE ONLY

DATE	HOURLY RATE	O.T. RATE	PAY PERIOD RATE	COMPLETED BY HUMAN RESOURCES / PAYROLL

DISTRIBUTION COPIES: HUMAN RESOURCES PAYROLL DEPARTMENT EMPLOYEE



**CITY OF KINGMAN
NON-EXEMPT (OVERTIME ELIGIBLE) EMPLOYEES
COMPENSATORY TIME AGREEMENT**

EMPLOYEE NAME (PRINTED)

DEPARTMENT

JOB TITLE

NOTE: This document is made available for Non-Exempt, Overtime eligible employees in accordance with Rule 7, Section 28 of the City of Kingman Rules & Regulations.

The compensatory time earned by an employee constitutes a financial liability for the City of Kingman and therefore is not encouraged; however, department management may authorize the use of compensatory time in lieu of payment of overtime. The employee and their department management must complete a Compensatory Time Agreement to allow an employee to accumulate compensatory time in lieu of payment of overtime. Non-exempt employees may receive compensatory time at the rate of one & one-half (1-1/2) times the hourly rate in lieu of overtime pay for hours worked beyond

- Forty (40) hours in a seven-day (7) workweek or
- For hours worked beyond 212 hours in a twenty-eight day (28) work period for non-exempt shift fire personnel.

Employees may accrue a maximum of

- Sixty (60) compensatory hours (meaning no more than 40 overtime hours) or
- Due to the seasonal nature of their work, Parks and Golf Course employees shall be allowed to accrue no more than one hundred-sixty (160) hours of compensatory time off.

An employee who has accrued compensatory time and requests use of the time

- Must be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the agency.
- When the use of compensatory time is denied, the supervisor shall provide to the affected employee the reasons for denial.
- A copy of the reasons for denial shall also be provided to the Human Resources Director.

When compensatory time leave is used

- It is paid at the employee's current pay rate in accordance with the provisions of this policy.
- Employees who change from one pay range to another, either by promotion or demotion, will keep any accrued compensatory time.
- Employees who change from FLSA non-exempt to FLSA exempt will be paid out accrued compensatory time at the employee's current FLSA non-exempt pay rate.

Payment of Compensatory Time at Termination of Employment: In accordance with the FLSA, unused compensatory time must be paid at:

- The average regular rate received by the employee during the last three years of employment; or
- The final regular rate received by the employee, whichever is higher.
- Payment of compensatory time due to separation of employment is not eligible for ASRS or APSPRS contributions.

I hereby **Agree** or **Do Not Agree** (Check one) to accept compensatory time off in lieu of monetary overtime payment. I further understand if I agree to accept accruing compensatory time off that I will be permitted to use accrued compensatory time off within a reasonable time of making a request to use such time if it does not unduly disrupt the operations of my department. I also understand that as an employee, I must have prior approval before performing any overtime work and that if I perform overtime work without prior approval, I may subject to disciplinary action.

Employee Signature		Date	
Received and Acknowledged by:			
Supervisor Signature	Date	Department Director Signature	Date

PROVIDE COPY OF SIGNED AGREEMENT TO HUMAN RESOURCES DIRECTOR

File Copy of Agreement – Employee Master Personnel File and Payroll

Request for Leave or Approved Absence

1. Name (Last, first)	2. Employee File #:	3a. Job Title:
		3b. Department/Division:

4. Type of Leave/Absence					5. Family and Medical Leave
Check Box(es) and enter date and time below.	Date		Time		Total Hours
	From	To	From	To	
<input type="checkbox"/> Vacation Leave					
<input type="checkbox"/> Sick Leave					

No matter what type of leave is taken, if absence is due to an illness complete the following:

Purpose: Illness/Injury of requesting employee
 Medical/dental/vision exam of employee
 Family member for medical/dental/vision exam
 Care for family member illness/injury
 Other, describe _____

If vacation leave, sick leave, or other type of leave will be used under the Unpaid Family and Medical Leave Act (FMLA), please provide the following information:

I hereby invoke my entitlement to family and medical leave for:

Birth/Adoption/Foster care;

Serious health condition of self or qualified family member;

Servicemember Family Leave (must provide supporting documentation).

Contact your supervisor and/or Human Resources to obtain additional information about your entitlements and responsibilities under the FMLA.

Check Box(es) and enter date and time below.	Date		Time		Total Hours
	From	To	From	To	
<input type="checkbox"/> Comp Time Off					
<input type="checkbox"/> Military Duty					
<input type="checkbox"/> Jury Leave					
<input type="checkbox"/> Victim Leave					
<input type="checkbox"/> Voting Time Off					
<input type="checkbox"/> Leave Without Pay					
<input type="checkbox"/> Other (Describe)					

6. Remarks:

7a. Certification: I certify that the leave/absence requested above is for the purpose(s) indicated. I understand that I must comply with my department's and the City of Kingman's procedures for requesting leave/approved absence (and to provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including termination of employment.

7b. Employee Signature:	7c. Date Signed:
--------------------------------	-------------------------

8a. Official action on request: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved (if disapproved, give reason)	8b. Employee Current Accrued Balance: ____ Vacation ____ Sick ____ Comp Time
--	--

8c. Reason for disapproval:

8d. Supervisor Signature:	8e. Date Signed:
----------------------------------	-------------------------



**CITY OF KINGMAN
REQUEST FORM - BEREAVEMENT LEAVE
RULE 8. SECTION 8 (Bereavement Leave)**

Employee Name: _____

Employee Department: _____

Name of Deceased: _____

Relation of Deceased to you: (Check applicable line) _____

Immediate Family Member

Parent (in-law)	_____	Spouse	_____
Step-Parent	_____	Step-Brother	_____
Child	_____	Step-Sister	_____
Step-Child	_____	Half-Brother	_____
Brother (in-law)	_____	Half-Sister	_____
Sister (in-law)	_____	Grandchild	_____
Grandparent (in-law)	_____		

Other Family Member (related by blood, adoption or marriage)

If Other Family Member, describe relationship: _____

Date of Death: _____

Dates for Leave Request: **Begin:** _____ **End:** _____

Date of Funeral Services _____

Location of Funeral Services: _____

Mileage to attend (one way): _____ **miles**

Additional comments: _____

APPROVAL OF REQUEST FOR BEREAVEMENT LEAVE

Approved: _____ YES _____ NO	
Comment: _____	Department Director _____ Date
Approved: _____ YES _____ NO	
Comment: _____	Human Resources Director _____ Date

COMPLETE THIS SECTION ONLY –

If requesting exceptions to the immediate or other family definition.

Request for Exceptions to Immediate or Other Family: **Must be recommended by Dept Dir. and City Mgr.**

Comment: _____

Recommended by Department Director _____ Date Approved by City Manager _____ Date

**CITY OF KINGMAN
PASSENGER WAIVER FORM
ASSUMPTION OF RISK AND COVENANT NOT TO SUE**

I, _____, request permission to ride as a passenger with a
(print name of person riding along)

City employee/officer in a City owned vehicle while said City employee is on duty. I will participate as a passenger on the following dates:_____. In consideration for being allowed to ride as a passenger, the undersigned participant, hereby releases and discharges against all claims, demands, and causes of action whatsoever, either in law or in equity, relating to injury, disability, death or other harm, to person or property or both, arising from my participation as a passenger in a City owned vehicle on the above listed dates, except injury or death caused by the intentional wrongdoing of the City of Kingman or its employees or agents. I understand that I am solely responsible for any costs arising out of any bodily injury or property damage sustained through my participation as a passenger.

I acknowledge that my seat belt must be worn at all times while riding as a passenger. I understand, accept, and assume the hazards and risks of riding as a passenger.

I have had sufficient time to review and seek explanation of the provisions contained above, have carefully read them, understand them fully, and agree to this Assumption of Risk and Covenant Not to Sue.

Read and acknowledged this _____ day of _____, 20_____.

Signature

City Department Authorized Signature

Approved by City Manager

Date

If participant is under the age of 18, his/her parent or legal guardian must also sign:

I, (printed name) _____ am the parent or legal guardian of the participant who has signed above. I have read and understand the provisions of this document. I consent to the participant taking part as a passenger as described above, and I fully enter into and agree to the above Assumption of Risk and Covenant Not to Sue.

Signature

City Department Authorized Signature

SEND SIGNED APPROVED COPY TO RISK MANAGEMENT DIRECTOR

CITY OF KINGMAN TUITION ASSISTANCE AGREEMENT

I, (print name) _____, SSN# _____, am seeking tuition assistance for the following courses:

Academic Institution: _____ Program: _____ (proof attached)

Semester	Begin Date	End Date	
Course Name:		Section#	Credit Hrs

Total Tuition Costs	Lab Fees
\$ _____	\$ _____

Other Financial Assistance	Amount to Receive
Name Source: _____	\$ _____
Name Source: _____	\$ _____

Employee Acknowledgement:

I certify that I have read the Employee Development policy of the City of Kingman Rules and Regulations and agree to its terms. If I do not pass any program/course above with a grade of "C" or higher or pass the certification program and test, drop a program/course, or fail to remit official documentation of passing grades within thirty (30) days of the course or certification test specified in this agreement, I will reimburse the City tuition paid on my behalf for the specific courses/tests failed, dropped or failed to remit grades for timely. If I resign my employment prior to completion of any course/program or resign my employment within two years (or agreed upon employment commitment) of completing the courses specified within this agreement, I will reimburse the City tuition paid on my behalf in the preceding twelve (12) months.

If I fail to remit payment due the City within 14 days of the next pay date or from separation of service, I authorize payroll deduction for total amount due. In the case where the final pay does not cover the total amount due the City, the employee agrees to pay the City any amount outstanding over a period of not more than six (6) months due and payable the first of each month. Failure to do so will result in civil action against the former employee for recovery of the outstanding balance and any related legal costs.

Employee

Date

Dept Director

Date

REMIT TO HUMAN RESOURCES FOR APPROVAL

<input type="checkbox"/> APPROVED	\$ _____
<input type="checkbox"/> DENIED	Explain: _____

Human Resources Director

Date

City Manager

Date

RETURN COPY TO DEPARTMENT AND EMPLOYEE

CITY OF KINGMAN – COMPLAINT FORM
EMPLOYMENT DISCRIMINATION / RETALIATION / WORKPLACE VIOLENCE,
HARASSMENT, SUSPECTED SUBSTANCE / ALCOHOL ABUSE, OR OTHER
PROTECTED ACTIVITY

Name	
Home Phone Number: () -	Home Address:
Work Phone Number: () -	City, State & Zip

If you are a current City employee:		
Supervisor's Name:	Your Job Title:	Your Department & Division:

Basis for Complaint:						
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age	<input type="checkbox"/> Religion	<input type="checkbox"/> Gender	<input type="checkbox"/> Workplace Violence	<input type="checkbox"/> Suspected Substance-Alcohol Abuse
<input type="checkbox"/> Color	<input type="checkbox"/> Disability	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Familial Status	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Other Protected Activity	<input type="checkbox"/> Other

1. Describe the nature of your complaint. Please explain why you believe discrimination/retaliation/workplace violence, harassment and/or other protected workplace activity has affected your employment with the City of Kingman. Where possible, specify the date(s) of the incident(s) and name(s) involved, be as detailed as possible. For substance/alcohol abuse, see section 6. If additional space is needed, please attach additional pages.

2. Have you attempted to resolve this matter by discussing it with someone else (i.e. management, co-worker, EAP)? YES NO If yes, give the name and title of the person and state what happened. Add additional pages if necessary.

3. Do you know of other employees or applicants of your group (basis of complaint on page 1) who were treated in the same manner you allege you were? YES NO

If yes, please explain and provide names. Add additional pages if necessary.

4. If this is a Retaliation complaint, explain what protected action did you oppose and when, have you participated in any grievances, complaints, or hearings involving discrimination, harassment, workplace violence, or other protected activity, and explain what evidence will show a connection between your opposition and the treatment you received?

5. Witnesses: Please provide the names, telephone numbers, and a description of the information that can be provided by any witnesses you think can provide evidence in support of your complaint.

6. Suspected Substance/Alcohol Abuse: If this is a complaint of suspected substance or alcohol abuse, please identify the employee(s) and department(s) they work in and the behavior and/or actions you have witnessed, be as detailed as possible.

7. Outcome of the Investigation: Describe the outcome you wish to see as a result the investigation.

Have you filed an official complaint with an outside federal/ state agency? YES NO

If yes, with whom has the action commenced?

CONFIDENTIALITY STATEMENT: The staff of the Human Resources Department strives to maintain the confidentiality of the information obtained during the course of the investigation and in most cases, it will only be divulged on a need-to-know basis. However, some of the records obtained or created during the investigation may be subject the disclosure under the state of Arizona public records statute.

ZERO TOLERANCE: The City of Kingman has a ZERO TOLERANCE of employment discrimination, retaliation, workplace violence, substance/alcohol abuse, and/or harassment. See City of Kingman Personnel Rules and Regulations.

An employee or applicant asserting a good faith employment discrimination, workplace violence, substance/alcohol, harassment or other protected activity complaint and/or participating in an investigation of such complaint will be protected from retaliation or discipline. Any employee found guilty of retaliation will be disciplined, up to and including termination.

In accordance with City of Kingman Personnel Rules and Regulations, **Rule 20, Section 3. Cause of Discipline**, an employee is subject to discipline up to and including termination, if the employee deliberately and knowingly made false accusations against another employee, in order to discredit another employee.

Signature: _____ Date: _____

Please return the completed/signed form to:

**CITY OF KINGMAN
310 North Fourth Street
Kingman, AZ 86401**

**Address your envelope to one or all of the following:
Your Supervisor, Your Department Director and/or
Human Resources Director, City Attorney, and/or City Manager**

Supervisor Request for Employee Computer Files

Purpose: A supervisor may access an employee's computer files, including email, on a "need to know" basis. All supervisor requests must present a valid work-related issue or needs convincing evidence of probable cause related to a possible violation of federal, state, local, or city policies. Access may include inspection of or copies of computer files. All requests must be reviewed and approved by Human Resources and City Attorney.

1a. Requesting Supervisor:	1b. Supervisor Job Title:	1c. Department/Division:
2a. Supervisor's Department Director:	2b. Department Director Job Title:	2c. Department:
3a. Name of Subject Employee :	3b. Employee Job Title:	3c. Department/Division:

4. Indicate with specificity the reason for the request:

5. Indicate with specificity the computer documents you are requesting (if possible include: author, recipient, date, subject of material, etc.):

6. Indicate the desired date you wish to receive the information by:

Signature

7a. Signature of Requesting Supervisor:	7b. Date:
8a. Signature of Department Director (if different):	8b. Date:

Human Resources Use Only

9a. Official Action of Request: **Approved** **Denied (see 9b. below)**

9b. Reason for Denial:

9c. Signed By:	9d. Signature:
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City Attorney Use Only

10a. Official Action of Request: **Approved** **Denied (see 10b. below)**

10b. Reason for Denial:

10c. Signed By:	10d. Signature
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Approved/ Denied Requests

Approved requests will be forwarded to Information Systems for processing. Denied requests will be returned to requesting supervisor.

Immediate Supervisor's Response: Follow-up to a complaint form must be completed within 7 business days of the date submitted. Additional sheets may be attached as necessary to fully describe response/action taken. Immediate Supervisor is the individual who directly supervises complainant (i.e., Supervisor, Superintendent, Administrator, Department Director, etc.).

Immediate Supervisor/Respondent's Name: _____

Immediate Supervisor/Respondent's Job Title: _____

Follow-up to employee complaint provided: _____ **Verbally** **Date of Discussion** _____
_____ **In Writing** **Date Provided** _____

Narrative of Immediate Supervisor's Response (Describe fully)

Respondent's Signature: _____ **Date/Time:** _____

Complainant's Signature: _____ **Date/Time:** _____

Complainant - acknowledge your reply to immediate supervisor's response to complaint (check one)

- _____ **Result/Explanation Accepted**
- _____ **Result/Explanation Rejected** (complaint to be forwarded to next level of management)
- _____ **Will Consider Response and complainant will determine if wish to forward to next level**
(must be done within 7 business day of receiving Immediate Supervisor's response)

Division Manager's/Superintendent's Response (If Applicable): Follow-up to a complaint form must be completed within 7 business days of the Immediate Supervisor's response or the complainant forwarding their complaint within 7 business days of their receiving the supervisor's response. Additional sheets may be attached as necessary to fully describe response/action taken.

Division Manager/Respondent's Name: _____

Division Manager/Respondent's Job Title: _____

Follow-up to employee complaint provided: _____ **Date of Discussion** _____
_____ **In Writing** **Date Provided** _____

Narrative of Division Manager's Response (Describe fully)

Respondent's Signature: _____ **Date/Time:** _____

Complainant's Signature: _____ **Date/Time:** _____

Complainant - acknowledge your reply to Division Manager's response to complaint (check one)

- _____ **Result/Explanation Accepted**
- _____ **Result/Explanation Rejected** (complaint to be forwarded to next level of management)
- _____ **Will Consider Response and complainant will determine if wish to forward to next level**
(must be done within 7 business day of receiving Division Manager's response)

Department Director's Response (If Applicable): Follow-up to a complaint form must be completed within 7 business days of the

Immediate Supervisor's response or the complainant forwarding their complaint within 7 business days of their receiving the supervisor's response. Additional sheets may be attached as necessary to fully describe response/action taken.

Department Director/Respondent's Name: _____

Department Director/Respondent's Job Title: _____

Follow-up to employee complaint provided: _____ **In Writing** **Date of Discussion** _____
Date Provided _____

Narrative of Department Director's Response (Describe fully)

Respondent's Signature: _____ **Date/Time:** _____

Complainant's Signature: _____ **Date/Time:** _____

Complainant - acknowledge your reply to the Department Director's response to complaint (check one)

- _____ **Result/Explanation Accepted**
- _____ **Result/Explanation Rejected** (complaint to be forwarded to City Manager)
- _____ **Will Consider Response and complainant will determine if wish to forward to City Manager**
(must be done within 7 business day of receiving Department Director's response)

City Manager's Response (If Applicable): Follow-up to a complaint form must be completed within 7 business days of the Immediate Supervisor's response. Additional sheets may be attached as necessary to fully describe response/action taken.

Follow-up to employee complaint provided: _____ **In Writing** **Date of Discussion** _____
Date Provided _____

Narrative of City Manager's FINAL Response (Describe fully)

City Manager's Signature: _____ **Date/Time:** _____

Complainant's Signature: _____ **Date/Time:** _____

The decision of the City Manager on complaints is final and not appealable.

**CITY OF KINGMAN – REQUEST TO APPEAL FORM
PREPARATION WORKSHEET FOR EXCHANGE OF INFORMATION –
PRE-HEARING CONFERENCE FOR SUBMITTED APPEAL
(SEE RULE XI. RULES OF APPEAL TO PERSONNEL BOARD)**

PLEASE NOTE THAT THE USE OF THIS FORM IS VOLUNTARY. The intent in outlining this worksheet is to provide the Appellant (employee) assistance in preparing for presenting their appeal to City of Kingman Personnel Board. The form is provided as a worksheet and reflects the type of information that an Appellant would need to gather, think through and be prepared to address in presenting their case before the Personnel Board. These are the types of questions the Personnel Board would be seeking to address in gathering information in from the Appellant and the Employer (City of Kingman). At the Pre-Hearing Conference, the Appellant and Employer would meet to discuss and exchange any information, evidence and witnesses that are to be presented at the hearing. The individuals who attend the Pre-Hearing Conference are the Personnel Board Chairperson and Co-Chairperson, Human Resources Director, the Appellant and their representative, and the City's legal representative.

PRE-HEARING CONFERENCE DATE: _____ **HEARING DATE:** _____

Employee Name: _____

Employee Job Title: _____ **Dept/Div:** _____

Employee Mailing Address: _____
(street) (City) (State) (Zip)

Employee Contact/Phone Numbers: _____

EMPLOYEE (APPELLANT) STATEMENT:

1. I submitted a Request to Appeal my:

___ Disciplinary Action taken on (date) _____ involving:

- ___ Disciplinary Suspension without Pay
- ___ Demotion
- ___ Dismissal

NOTE: Attach a copy of relevant documentation.

2. The reason I submitted an appeal of the above disciplinary action is for the following reason(s):

3. I will be represented by Myself Legal Counsel Other

Name of Representative: _____

Mailing Address: _____

City, State, Zip Code: _____

Relationship / Title: _____

4. The factual issues to be presented/reviewed are:

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(Attach additional sheets of paper, if necessary)

5. The remedy or outcome I would like to see as a result is:

6. The following is a list of exhibits I will offer to support my position:

(1) _____

(2) _____

(3) _____

(4) _____

- (5) _____
- (6) _____
- (7) _____

(Attach additional sheets of paper, if necessary)

- 7. The following is a list of witnesses I would wish to have testify and I have included a brief description of the fact(s) to which they will testify in support of my position:** (You may attach additional sheets of paper, if necessary)

	Name	Brief Description of his/her testimony to be presented
1		
2		
3		
4		
5		
6		

Dated this _____ **day of** _____, **20**_____

Employee Signature: _____

NOTE:

- 1) At the pre-conference hearing, the Appellant (the Employee) and Employer (City of Kingman will exchange written information and evidence on what they will each be presenting at the Hearing.**
- 2) The Appellant and Employer will also provide a list of their witnesses that will be asked to provide testimony at the hearing.**
- 3) The Appellant and Employer must each bring eight (8) copies of their written information, evidence and list of witnesses to provide to the Personnel Board Chairperson.**
- 4) After the exchange of information is completed, no new information or evidence may be permitted.**
- 5) The Appellant will receive a copy of the Employer's information to review in advance of the hearing. The Employer will also receive a copy of the Appellant's information.**