

ARTICLE 1. GENERAL

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HR-1-01. Definitions

The following words and phrases used in these rules have the defined meanings unless otherwise clearly indicated by the context.

1. “ADA” means the Americans with Disabilities Act of 1990.
2. “Age Discrimination in Employment Act of 1967” means the City is prohibited from discrimination based on age against employees who are 40 year old and older.
3. “Announcement” means the public notice to fill positions by open competition, or the notice to employees to fill positions from within the city service.
4. “Appeal” means the request to seek a Hearing Officer’s recommendation that the applicable disciplinary action be modified, rescinded, or reversed.
5. “Applicant” means any person who seeks appointment to an open position and files an application for the position with Human Resources.
6. “Appointment” means the offer to and the acceptance by a person of a position in the City of San Luis.
7. “Candidate” means an applicant that meets minimum qualifications for a position according to Human Resources and who is interviewed or whose name is placed in a register for open positions.
8. “Cause” means any of the reasons for disciplinary action provided by statutes, these rules, or any other legitimate and non-discriminatory reason provided by the City.
9.
 - a. For purposes of the health benefit plan, as stated in our health plan for purposes of the life and disability income insurance plan, each unmarried natural, adopted, foster, and stepchild under age 19 who resides or is placed by court order in the household of the employee.
 - b. For purposes of the employment of relatives, bereavement leave, parental leave and FMLA leave, each natural, adopted, foster, and stepchild.
10. “City” means the City of San Luis.
11. “City Administrator” means the City Administrator and the Administrator's designee.
12. “City service” means all departments, officers, and employees subject to these rules.
13. “Class” means a group of similar positions classified in one class or pay grade in the salary plan.
14. “Classified” means all positions within the city protected under these rules with respect to all employment actions except the positions of City Administrator, Director of Public Safety, Magistrate, and City Attorney.
15. “Competition” means the process leading to the identification of candidates for employment or promotional consideration, which includes the announcement of a vacancy, and a formal evaluation of applicants' qualifications.

16. "Conversion" means the non-competitive movement of an employee from a seasonal, part-time or temporary position to a permanent or limited (grant-funded) position.
1. "City Council" means the group of elected officials as council members.
18. "Covered position" means any position in the City.
19. "Days" means calendar days unless otherwise stated.
2. "Demotion" means a change in the assignment of an employee for cause from a position in one class to a position in another class having a lower pay grade resulting from disciplinary action.
3. "Department" means any department, authority, or other governmental budget unit of the City.
4. "Department Head" means the director of any department of the City.
5. "Disciplinary probation" means a probationary period used as a disciplinary measure to correct unsatisfactory work performance. Although an employee may be terminated prior to being placed on "disciplinary probation," it may sometimes be the last step before termination.
6. "Emergency appointment" means an appointment made without regard to the recruitment, examination, certification, or selection requirements of these rules in response to a governmental emergency.
7. "Employee" means a probationary, regular, full-time, part-time, limited, temporary, or seasonal employee. The term "he" or "she" may be used without distinction to refer to either or both a male or female employee.
8. "Exempt" means an employee in a position that is exempt from overtime pay according to FLSA.
9. "Good standing" means the status of a former employee at the time of separation from the City for reasons other than disciplinary or anticipated disciplinary action.
10. "Disability" means a physical or mental impairment that substantially restricts or limits an individual's general ability as defined in the American with Disabilities Act.
11. "Limited" means a grant-funded position of limited duration.
12. "Non-classified" means employment positions that serve at the pleasure of the City Council and do not follow the recruitment and disciplinary procedures outlined in these rules. Those positions are City Administrator, Director of Public Safety, Magistrate, and City Attorney
13. "Non-exempt" means an employee in a position covered for overtime pay under FLSA.
14. "Original probation" means the established period following initial appointment to the City in a regular position for evaluation of the employee's work.
15. "Participant" means all employees who are enrolled in the city's insurance programs.
16. "Pay grade" means a salary level in the salary plan.
17. "Pay status" means the condition of an employee who is receiving pay for work or for a compensated absence.
18. "Plan administrator" means the City Administrator.

37. "Promotion" means a permanent change in assignment of a permanent status employee from a position in one class to a position in another class having a higher pay grade.
16. "Qualified" means meeting the minimum qualifications for a position as defined in the position description plus any special requirements that may be published for a position in that class.
17. "Reclassification" means changing the classification of a position when a material and permanent change in duties or responsibilities occurs.
18. "Reduction" means the non-appealable movement of an employee from one position to another in a lower pay grade as a result of a reduction in force.
19. "Reemployment" means the appointment of a former regular status employee who was separated by a reduction in force or without prejudice.
20. "Regular status" means the standing an employee achieves after the completion of an original probation.
21. "Resident" means an individual who lives in the City of San Luis and gets hiring preference in City employment.
22. "Reversion" means the return of a promoted employee to a position in the class in which the employee held immediately prior to the promotion.
23. "Rules" means the City of San Luis personnel rules.
24. "Seasonal" means an appointment to a position for a limited period of time, not to exceed 1040 hours in any calendar year, which recurs on a seasonal or intermittent basis.
25. "Separation without prejudice" means the removal, without appeal rights, of an employee from the City due to causes beyond the employee's control related to a serious health condition.
26. "Temporary" means an appointment to a full or part-time position, which is funded for a total of less than 1040 hours in a calendar year.
27. "Transfer" means the movement of an employee from one position to another position in the City in the same pay grade.

Purpose: To establish the core rules that will guide the personnel policy.

HR-1-02. General Provisions

- A. Delegation of authority. A Department Head may delegate to an immediate subordinate any authority granted to the Department Head in these rules.
- B. Availability of funds. The granting of any compensation in these rules is contingent upon the availability of funds, as determined by the Finance Director and the City Administrator, and approved by the City Council.
- C. Employment at will. The positions of City Administrator, Director of Public Safety, Magistrate, and City Attorney are not covered by these rules for employment actions and employees in the positions of City Administrator, Director of Public Safety, Magistrate, and City Attorney may be hired and terminated at the will of City Council, and may have individual agreements negotiated with City Council with respect to salary, severance, and other benefits according to City Code.
- D. Employment. Nothing in these rules should be interpreted to mean that an employment contract exists between a classified employee and the City. These rules are to facilitate equitable employment decisions and do not constitute a contract of employment between a classified employee and the City of San Luis.
- E. Conflict with federal requirements. Any provision of these rules which conflicts or is inconsistent with federal and/or state rules, regulations, or standards governing the granting of federal and/or state funds to the City shall not be applicable to such fund-granting agency and does not invalidate the remaining portions of this document.
- F. Service of notice. If any notice or document is to be given to any person or department, the notice or document may be served personally or mailed to the last known residence or current business address of the addressee. Unless otherwise provided by law or these rules, service is complete upon mailing.
- G. Employee handbook. The Human Resources Director shall publish an employee handbook outlining pertinent rules and regulations and make such handbook available to all employees.
- H. Correction of errors. The Human Resources Director will make certain that all employment actions, from hiring to discipline and termination, are handled fairly and equitably.
- I. The Personnel policy may be reviewed or amended by the City Administrator and the City Council. A temporary amendment or change approved by the Human Resources Director and the City Administrator is binding and enters into effect when signed. Such temporary amendments will expire when the City Council ratifies, changes, or revokes them.
- J. It is the responsibility of the Human Resources Director to interpret and implement this personnel policy and communicate it to all employees by making it available to them.

K. It is the intent and purpose of the City Council of the City of San Luis to have a unified system of personnel policies that are consistent throughout the City for all employees. Further, is the intent and purpose of the City Council of the City of San Luis to have a single system of personnel grievances and appeals and that system be the system established in the Personnel Policies of the City of San Luis. Therefore, in the event of a conflict between the provisions of these policies and any other ordinance, resolution, regulation, or policy of the City of San Luis, including but not limited to departmental Standard Operating Procedures, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of these policies shall govern.

Purpose: To define the application of the personnel policy.

HR-1-03. Applicability

- A. General. These rules are applicable to all covered employees and to all City service positions including regular, full-time and part-time employees, contract employees, management, temporary, seasonal, and volunteer workers.

Purpose: To establish a nondiscrimination policy and to define common terms.

HR-1-04. Nondiscrimination

- K. The City of San Luis shall not discriminate against any individual because of race, color, religion, sex, age, disability, national origin, or any other protected category recognized by federal and state law. The City will not make any employment decision, including hiring, discipline and discharge, based upon the categories listed above. Furthermore, the City shall not discriminate against an individual with respect to his compensation, terms, conditions or privileges of employment as stated in A.R.S. §§ 41-1461, 41-1463, and 41-1464.
- L. The City may apply different standards of compensation or different terms, conditions or privileges of employment pursuant to employee performance, evaluation, longevity, ability, applicant evaluation, or a bona fide employment reason provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, disability, national origin, or any other protected category.
- M. An individual who can perform the essential functions of the position and who has an impairment that substantially limits one or more of the major life activities of the individual, has a record of such impairment, or is regarded as having such impairment is disabled. The disabled individual is qualified under the ADA if he/she is capable of successfully performing the essential functions of the job with or without a reasonable accommodation.
- N. Nothing in this section requires the City to prefer a less qualified individual over the better qualified simply because of race, color, religion, sex, age, disability, national origin, or any other protected category. However, under the ADA, if a transfer is a reasonable accommodation for a qualified individual, the City will make that transfer in a non-competitive manner.

Purpose: To establish a no harassment policy, define terms, and communicate procedures.

HR-1-05. Non-harassment

Anti-Harassment Policy

- A. General. The City strictly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, or status in any group protected by federal, state, or local law. Improper interference with the ability of our employees to perform their expected job duties will not be tolerated.
- B. Sexual Harassment. With respect to sexual harassment, the City specifically prohibits the following, but does not limit prohibited behaviors to the following list:
 - 1. Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or other offensive nature, especially, but not only, where:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - c. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
 - 2. Offensive comments, jokes, innuendoes, and other sexually oriented statements. Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:
 - d. touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair or brushing against another's body;
 - e. sexually suggestive touching;
 - f. grabbing, groping, kissing, fondling;
 - g. violating someone's "personal space";
 - h. lewd, off-color, or sexually-oriented comments or jokes; foul or obscene language; leering, staring, or stalking; suggestive or sexually-explicit posters, calendars, photographs, graffiti, or cartoons; sexually-oriented or explicit remarks, including comments about someone's dress or body; questions about one's sex life or experience; repeated requests for dates.
- C. Complaint Procedure
 - 1. Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.
 - 2. If you believe you have experienced any job-related harassment based on your sex, race, religion, national origin, disability, age, or other protected

factor, or believe that you have been treated in an unlawful, discriminatory manner, promptly report the incident to the Human Resources Director or the City Administrator. Your complaint will be kept confidential to the maximum extent practically possible or legally permissible.

3. All harassment complaints will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to participate in any investigation. We will strive to reach a timely resolution of each complaint, and communicate it to the parties involved.
28. If the City determines that an employee has harassed another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.
29. If any employee involved, either as the complainant or accused harasser, is dissatisfied with the determination, the employee may file a grievance under regular procedures.

Purpose: To define contents and access of personnel files.

HR-1-06. Personnel Records

- A. Content. Each employee's official personnel file will be kept in Human Resources under the responsibility of the Human Resources Director and each file shall contain, among other things:
 - 19. A copy of the job application for the employee's current permanent position.
 - 20. A copy of all performance appraisal reports.
 - 21. A file of personnel action forms that have authorized changes in employment status, position, classification, pay, or leave status.
 - 22. Information and documents related to an investigation, accusation or complaint that resulted in disciplinary action against the employee.
 - 23. Letters of commendation or disciplinary letters, or objections filed by the employee.
 - 24. Documents acknowledging receipt of disciplinary communications.
- B. Insurance records. Group insurance records and medical exam records will be contained in a separate employee medical file.
- C. Access. Access to any employee's official personnel file shall be limited to:
 - 25. The employee or legal representative.
 - 26. City personnel approved by the employee's supervisor, Human Resources Director, and City Administrator/Clerk as having a need for such information. Exception: access to employee health files is limited to Human Resources employees.
 - 27. Human Resources employee in the normal line of duty.
 - 28. Officials acting in response to court orders or subpoenas after obtaining authorization from the City Administrator/Clerk.
 - 29. An official of an agency of the federal government, state government or any of their political subdivisions, but only when it is deemed by the Human Resources Director and the City Administrator/Clerk as appropriate to a proper function of the official requesting access.
 - 30. For purposes of subsection (C) of this Section, an official is one who provides identification verifying that he is exercising powers and duties on behalf of the chief administrative head of a public body.
 - 31. Nothing in this policy is intended to conflict with the public records act, and to the extent an individual makes a proper request, the City will comply with appropriate disclosure.
- D. Purging of documents and files. At the discretion of the Human Resources Director, files and documents may be purged from time to time. Record keeping requirements of federal and state law shall be observed.
- E. Disclosure of information. The Human Resources Department may provide the following information to any person about a current or former employee. The

request may be required in writing authorized by the employee or former employee.

32. Name of employee.
33. Date of employment.
34. Current and previous class titles and dates received.
35. Name and location of current and previous agencies to which the employee has been assigned.
36. Current and previous salaries and dates of each change.
37. Name of employee's current or last known supervisor.
38. The employee or former employee may request the Human Resources Director to disclose additional information to a third party by submitting a signed, written request. Any individual may seek records pursuant to the public records act.

F. Access to other files. The presence of copies of any item listed in subsection (A) in any other informational file concerning an employee shall not in itself confer upon such employee any right of access to such file.

A. Control.

39. Personnel records are available for review as authorized in (C) of this section in the presence of the Human Resources Director only; employees or their representatives shall not remove any documentation to these files. Employees or their representatives may request a copy of any or all the contents of their files by filling out a public records request form.
40. Changes in name, address, telephone number, marital and legal status, insurance data, beneficiary, tax exemptions, new or renewed licenses or certificates required to work, copies of education transcripts or certificates completed after date of hire that are relevant to the employee's position or paid by the City are to be reported to Human Resources within 10 days of the change.
41. Separate files may be maintained for staff timesheet reports, leave requests, overtime, workers compensation, employee travel, and other files as required to facilitate record keeping, reporting, and compliance with government agencies.