

**RESOLUTION NO. 2013-39**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE TOWN OF FOUNTAIN HILLS PERSONNEL POLICIES AND PROCEDURES, AMENDED AND RESTATED AUGUST 1, 2013.

**BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

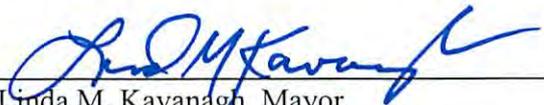
SECTION 1. The Town of Fountain Hills Personnel Policies and Procedures, Amended and Restated August 1, 2013, are hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

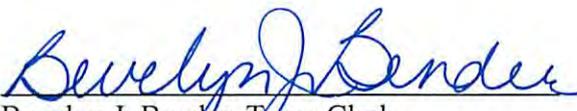
SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, August 1, 2013.

**FOR THE TOWN OF FOUNTAIN HILLS:**

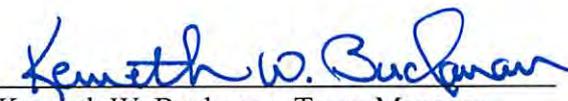
**ATTESTED TO:**

  
Linda M. Kavanagh, Mayor

  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
Kenneth W. Buchanan, Town Manager

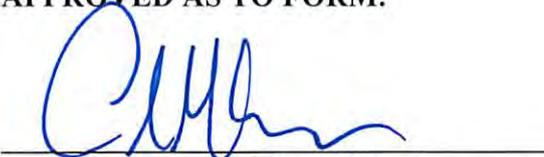
  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
RESOLUTION NO. 2013-39

[Personnel Policies and Procedures, Amended and Restated August 1, 2013]

See following pages.

# **TOWN OF FOUNTAIN HILLS**

## **PERSONNEL POLICIES AND PROCEDURES**

**Amended and Restated August 1, 2013**

**TOWN OF FOUNTAIN HILLS  
16705 E. AVENUE OF THE FOUNTAINS  
FOUNTAIN HILLS, AZ 85268  
480-816-5100**

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## **ABOUT THE ORGANIZATION**

The Town of Fountain Hills municipal government provides a variety of services such as zoning ordinances and Town code. Major departments include Administration, Community Services, the Court, Development Services, law enforcement (contracted with the Maricopa County Sheriff's Office), and fire and emergency medical service (contracted with Rural Metro). The Town is operated with a seven-member Town Council handling policy decisions for Fountain Hills. The Town Manager is responsible for all personnel and administrative matters at Town Hall.

The Town of Fountain Hills has an unrelenting commitment to excellence and equitable treatment to its employees and customers.



## **Town of Fountain Hills**

### **MISSION STATEMENT**

The Town of Fountain Hills' purpose is to serve the best interests of the community by: providing for its safety and well being; respecting its special, small-town character and quality of life; providing superior public services; sustaining the public trust through open and responsive government; and maintaining the stewardship and preservation of its financial and natural resources. To serve and respect, and provide trust and stewardship.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** GENERAL INFORMATION  
**POLICY:** GENERAL PROVISIONS AND PURPOSE  
**POLICY NO:** 101  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish Town of Fountain Hills personnel policies and procedures and describe overall content and relationships to other regulations.

**STATEMENT OF POLICY:** The Town Council enacts these policies in order to further the following goals:

1. To provide a uniform system of personnel administration throughout the Town service.
2. To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the Town.
3. To promote communication between department heads, supervisory staff, and employees.
4. To ensure, protect, and clarify the rights and responsibilities of Town employees.

**SCOPE:** These personnel policies shall apply to all Town employees unless otherwise noted. Elected officials; officers subject to appointment and removal by the Council; consultants hired on a contract basis; contract employees; volunteer workers who receive no regular compensation from the Town; and members of boards, committees and commissions established by the Council may be subject to separate rules. In the event of conflict between these policies and any Town ordinance, or state or federal law, the terms and conditions of those ordinances or laws shall prevail. In all other cases these policies shall apply.

In the event of the amendment of any ordinance, rule, or law incorporated in these policies or upon which these policies rely, these policies shall be deemed amended in conformance with those changes. The Town Manager shall have the authority to make such amendments, as mandated by local, county, state or federal ordinance, regulation or law, and shall also have the authority to make non-substantive amendments. Amendments shall be reported to the Town Council.

The Town of Fountain Hills specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. **None of these provisions shall be deemed to create a vested or contractual right in any employee, or limit the power of the Town Manager to repeal or modify these policies. These policies are not to be interpreted as promises or specific treatment.**

**The Town may terminate an employee for any reason or no reason during the introductory period, as long as the termination is not based on discrimination. In addition, the Town may terminate an employee for cause after the introductory period. Likewise, the employee may terminate employment at any time. No individual supervisor, manager or officer can make a contrary agreement.**

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** GENERAL INFORMATION  
**POLICY:** LOYALTY OATH  
**POLICY NO:** 102  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The purpose of this procedure is to document and ensure compliance with the loyalty oath requirements of State law.

**STATEMENT OF POLICY:** All Town employees are required to sign a loyalty oath and such document must be submitted with new hire paperwork and filed in the employee's official personnel file. (See Exhibit 102-A - Loyalty Oath). Arizona Revised Statutes §38-231 requires in part that an officer or employee within the meaning of the section who fails to take and subscribe the oath or affirmation provided within the time limits prescribed shall not be entitled to any compensation unless and until such officer or employee does so take and subscribe to the form of oath or affirmation set forth.

**LOYALTY OATH**

- A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.
- B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.
- C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section 13-2301 the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.
- D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.
- E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:

State of Arizona, County of \_\_\_\_\_ I, \_\_\_\_\_ (type or print name)  
do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ (name of office) \_\_\_\_\_ according to the best of my ability, so help me God (or so I do affirm).

\_\_\_\_\_  
(signature of officer or employee)

- F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** GENERAL INFORMATION  
**POLICY:** EQUAL EMPLOYMENT  
**POLICY NO:** 103  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To define the Town of Fountain Hills' position regarding nondiscrimination in all matters pertaining to employment throughout the organization.

**STATEMENT OF POLICY:** The Town provides equal opportunity for all applicants and employees. The Town does not discriminate on the basis of race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition, or veteran status. The Town also makes reasonable accommodations for the disabled and for employee's religious observances and practices.

It is the responsibility of every employee to cooperate with the spirit and intent of this policy.

**SCOPE:** This policy applies to all applicants and employees throughout every aspect of the employment relationship including, but not limited to: recruitment, selection, placement, training, compensation, benefits, promotion, transfer, discipline, termination, and social and recreational programs.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** PROOF OF RIGHT TO WORK IN THE UNITED STATES  
**POLICY NO:** 201  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish procedures to comply with federal law regulating eligibility to work in the United States.

**STATEMENT OF POLICY:** The Town of Fountain Hills requires all new hires to provide documentation of eligibility to work in the United States no later than three working days after the employee commences work. Employment is contingent upon satisfactory completion of the verification requirement.

**SCOPE:** This policy applies to all Town employees.

**PROCEDURE:** When an offer of employment is made to an applicant, the applicant shall be informed that proof of identity and eligibility to work in the United States will be required upon hire. A list of acceptable documents will also be described and/or mailed to the candidate. All new employees hired by the Town will be required to complete Section 1 of INS Form I-9 at the time of hire. In addition to completing the I-9 form, all new employees must also be cleared by the Department of Homeland Security (DHS) as being eligible to work in the United States through the E-Verify Program required by the Legal Arizona Workers Act (A.R.S. §23-211 et. seq.). It is completed by a representative from Human Resources inputting into a secure DHS web site the information provided by the new employee from the completed I-9 form and their social security number. Typically, DHS will respond within seconds whether the person is cleared to work or if they have issues that must be cleared up with either the Social Security Administration or DHS. These forms will be maintained by the Human Resources Office.

The Department Director, or designee, will ensure that the Human Resources Office verifies the candidate's documents no later than three working days after the commencement of employment.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** IDENTIFICATION BADGES AND BUILDING ACCESS  
**POLICY NO:** 202  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To protect the safety and maintain the security of all employees.

**STATEMENT OF POLICY:** Every employee is required to wear a picture identification badge at all times while on Town premises. Failure to do so will subject the employee to corrective action.

**SCOPE:** This policy applies to all Town employees.

**PROCEDURE:** Human Resources will arrange for all new employees to receive an ID badge during orientation on their first day of employment. Loss or damage of the ID badge should be reported to Information Technology immediately in order for the badge to be deactivated in the system. The badge is the property of the Town of Fountain Hills and must be returned upon termination of employment.

Because employee ID badges are also the means by which employees enter and leave the premises, employees must not loan their badges to anyone, including other employees, nor should employees allow anyone to enter the premises that the employee does not know to be an employee of the Town of Fountain Hills without first signing the Visitor Log and obtaining a Visitors Pass. Failure to observe these safety regulations could endanger the safety and security of all other employees and could subject the employee to corrective action up to and including termination.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** BASIC WORK WEEK AND HOURS OF WORK  
**POLICY NO:** 203  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To set forth a basic policy for the Town of Fountain Hills regarding attendance and hours of work.

**SCOPE:** The standard work week for full-time employees is forty (40) hours. General office hours are from 7:00 a.m. to 6:00 p.m., Monday through Thursday. The standard work week shall be seven (7) consecutive days commencing on Monday at 12:01 a.m. and ending the following Sunday at midnight. Any work shift in progress at midnight Sunday shall be included as part of the work period in which that shift commenced.

With approval of the Department Director, modifications to this provision may be arranged in any manner consistent with departmental operations and to provide essential Town services, subject to any applicable federal or state statutory or constitutional limitations relating to hours of work. The Town Manager shall approve any modifications prior to implementation. Workday and workweek lengths for exempt employees are determined primarily by their current workloads and the organization's needs.

Hours of attendance shall be maintained on official Town payroll documents as specified by the Human Resources office. Any falsification of individual time records or payroll documents by any Town employee will result in disciplinary action up to and including termination.

**PROCEDURE:** All non-exempt employees are required to fill out time sheets daily in a complete and accurate manner. Exempt employees are required to fill out time sheets for the purpose of paying vacation days, sick days, or personal days during the pay period. Non-exempt employee time sheets shall be reviewed by each supervisor and approval designated by signature. Corrections or changes to the time sheet shall be made by placing a line through the error, inserting the correct information and initialing the changes. The supervisor must approve any corrections on the time sheet and initial same.

**REST PERIODS:** Town employees who work at least eight (8) hours in a day are allowed two (2) fifteen-minute rest periods per day or shift, but will not exceed fifteen minutes in any consecutive four-hour period. The supervisor schedules all rest periods so that work areas are covered. Rest periods are counted as time worked and cannot be combined or "banked" to provide an extended lunch or rest period or shorten the workday. Overtime pay is not granted for rest periods not taken or for work performed during a rest period.

**MEAL PERIODS:** All Town employees who work a minimum of eight (8) hours per day will receive a minimum of a one-half (1/2) hour unpaid meal period. The supervisor schedules all meal periods so that work areas are covered. Unpaid meal periods may be scheduled for employees working less than eight (8) hours with approval of the supervisor and employee. An employee must be completely relieved from duty in order for the time to be a "bona fide meal period". Skipped meal periods cannot be used to make up time or to shorten the workday without approval of the supervisor.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** CODE OF CONDUCT  
**POLICY NO:** 204  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a code of conduct for the basic guidance of Town employees concerning matters affecting their work.

**STATEMENT OF POLICY:** A Town government that upholds high standards of integrity and impartiality is a cornerstone of the democratic way of governing ourselves. Town employees must manage business and personal affairs so as to avoid situations that might lead to conflict, or the appearance of conflict, between self-interest and public duty.

**PERFORMANCE OF DUTIES:**

- A. Employees should perform official duties diligently during working hours.
- B. Employees should always perform their duties with courtesy and respect for the public and for co-workers and without bias or prejudice, manifest by words or conduct, based upon race, color, religion, national origin, gender, age, sexual orientation, disability, or political affiliation.
- C. Employees should seek to maintain and improve their personal and professional growth and development and that of their co-workers through cooperation and participation in educational programs relevant to their duties and through any licensing or certification required for their position.
- D. Employees should perform their duties impartially in a manner consistent with law and the public interest, un-swayed by kinship, position, partisan interests, public clamor or fear of criticism or reprisal.
- E. All duties shall be performed with honesty and truthfulness without falsification in any manner.
- F. Employees should conform their conduct at all times to the policies and procedures established by the Town.

**ABUSE OF POSITION:**

- A. No employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions.
- B. No employee or a member of the employee's immediate family should accept, solicit, or agree to accept any gift, favor or anything of value with the understanding that the official actions, decisions or judgment of any employee will be influenced.

- C. No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- D. Each employee should use the public resources, property and funds under the employee's control and responsibility for the public purpose intended by law and not for any private purpose.

**CONFIDENTIALITY:**

As public servants, Town employees should carry out their duties in a manner that will withstand public scrutiny. Nevertheless, some employees handle confidential Town-related or employee-related documents while others handle sensitive matters, such as health records and investigations. Consequently, employees should maintain the confidentiality of matters they handle, assuring information about these activities is made public only upon appropriate authorization. If there is a question regarding confidentiality of specific incidents, Human Resources and/or the Town Manager shall be contacted for clarification.

**NOTE:**

Separate policies cover CONFLICT OF INTEREST, SECONDARY EMPLOYMENT, AND POLITICAL ACTIVITY.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** CONFLICT OF INTEREST  
**POLICY NO:** 205  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines for Town employees to identify, disclose, avoid and manage conflicts of interest as required by law.

**SCOPE:** A potential conflict of interest exists when an employee, an employee's relative, or an individual in a close personal relationship with the employee may be directly or indirectly financially impacted, whether in a positive or negative manner, by an action of the Town. Individuals covered by this policy may include, but are not limited to spouses, children, stepchildren, grandchildren, parents, grandparents, siblings and in-laws.

**PROCEDURE:**

1. Any employee who becomes aware of a potential conflict of interest shall immediately advise his or her supervisor. If the potential conflict of interest involves the reporting employee, the employee and supervisor shall discuss the matter and agree upon the appropriate course of action according to this policy.
2. Any question as to whether a potential conflict of interest exists shall be resolved by addressing a written inquiry to the Town Manager's office describing the Town action which may impact the employee's financial interest and the employee's duties with the Town.
3. An employee determined to have a potential conflict of interest shall be disqualified from any consideration of the matter. The employee shall refrain from communicating about the matter with anyone involved in the action in order to avoid the appearance of impropriety.
4. All potential conflicts of interest shall be disclosed by written memorandum from the employee to the employee's supervisor explaining in detail the potential conflict of interest and confirming the employee will avoid any involvement in the decision with which the employee has a conflict of interest. The original memorandum shall be forwarded to the Town Manager's Office for the conflict of interest file with copies retained by supervisors at each level of the employee's chain of supervision and a copy placed in the employee's official personnel file.
5. Any employee who knowingly fails to disclose and handle a conflict of interest as set forth in this policy shall be subject to disciplinary action up to and including termination.

## **GUIDELINES:**

Common sense and good judgment will dictate the proper course of action in most situations. However, remember that if there is a question in your mind of even a slight conflict of interest, others will tend to exaggerate it. The best policy is to resolve such questions by addressing them at the outset so they will not become embarrassing problems later. Such matters can easily be addressed by discussing them with your supervisor.

Handling these matters in this manner should avoid any occasion for disciplinary action. However, depending upon the severity, any violation of this policy may result in disciplinary action up to and including termination.

- A. Employees and their relatives should not enter into any contract with any component of the Town for financial gain, apart from any employment contract, without full disclosure and satisfactory management of any potential conflict of interest in accordance with this policy to avoid an actual conflict of interest.
- B. Employees should not be involved in the decision to hire or in the supervision of any member of their immediate family.
- C. Employees should not participate in decisions regarding conduct of Town business with any private party by whom the employee or a relative is employed or is actively seeking employment.
- D. Employees must refuse any and all non-food gifts presented by any member of the public (i.e. citizens, developers, applicants, etc.). Employees may accept gifts of food (i.e. cookies, candy, donuts, muffins, etc.) as long as the item is placed in the break room or in any other area where it may be shared with all Town employees. Employees may not solicit or accept a meal (lunch, dinner, etc.) from any member of the public. If it is necessary for an employee to attend a business lunch or dinner, he/she will be reimbursed for his/her out-of-pocket expenses in accordance with the Finance Department's reimbursement procedures. This provision does not prohibit:
  - 1. Solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee.
  - 2. Acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars, and other items of nominal intrinsic value.
- E. No Town employee in their official capacity as an employee of the Town shall publicly endorse the product or service of a commercial vendor. Employees shall not knowingly permit any commercial vendor the use of the employee's name or photograph, as associated with the Town, in any manner, which gives the appearance of an endorsement or the promotion of such vendor's product or service.
- F. Employees may refer to the ICMA Code of Ethics, which is available from Human Resources.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** SOLICITATION  
**POLICY NO:** 206  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy concerning solicitation in the workplace.

**STATEMENT OF POLICY:** Solicitation by an employee of another employee is prohibited during the working time of either person. Working time is defined as time when an employee's duties require that he/she be engaged in work tasks. Girl Scout cookie sales or containers asking for donations during the holiday season, etc. are examples. Distribution of printed materials or literature of any nature shall be limited to non-work areas at non-work times. No literature shall be posted anywhere on the premises without the authorization of Human Resources. Solicitation and/or distribution of material on company property by persons not employed by the Town of Fountain Hills are prohibited at all times.

**SCOPE:** This policy applies to all Town employees.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** POLITICAL ACTIVITY  
**POLICY NO:** 207  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** To establish a policy governing the political activity of Town employees in conformity with A.R.S. § 9-500.14 and Town Code § 3-2-4.

**STATEMENT OF POLICY:** All employees will remain free from any political activity in a Fountain Hills municipal election:

1. No employee may solicit or attempt to solicit support for a candidate or political party involved in a Fountain Hills municipal election from any employee or appointed official.
2. No employee may take any part in the campaign of a candidate participating in a Fountain Hills municipal election.
3. An employee may exercise their rights as a citizen to vote and to express opinions as an individual citizen, but not as a representative of the town.

No paid employee will seek election to public office with the town while still employed by the town.

No paid employee will use their position to sell, solicit or distribute any campaign material during working hours or in a uniform used by or identified with the town government.

No paid employee will use their position to introduce, guide or recommend any candidate for public office on town property.

**SCOPE:** This policy applies to all Town employees.

**PROCEDURE:** Violation of any provision of this Policy shall be deemed sufficient cause for disciplinary action up to and including termination.

Nothing contained in this Policy shall be interpreted or construed in a way that denies any employee his or her civil or political liberties as provided by law.

This section does not prohibit an employee from voting as provided by law.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** NEPOTISM AND PERSONAL RELATIONSHIPS  
**POLICY NO:** 208  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The purpose of these guidelines is to clarify the Town's process for the hiring and retention of relatives of current employees and personal relationships between employees. In all cases, professional standards and expectations should be discussed during a credible selection process and if conflicts arise during employment, they should be dealt with promptly.

**STATEMENT OF POLICY:** As explained in the Town's policy on conflicts of interests, favoritism or extended courtesies can create unwanted problems for an organization. For this reason, the Town desires to avoid situations where there is a romantic, personal or marital relationship between a supervisor and a subordinate, or between co-workers in the same department.

Employees in, or who develop, such relationships must immediately notify and disclose all relevant circumstances to their immediate supervisor. Although the Town has no absolute prohibition regarding such relationships, it reserves the right to take appropriate action, on a case by case basis, according to relevant circumstances. Any failure to disclose the nature of the relationship as contemplated in this policy may result in disciplinary action up to and including termination.

The Town will not employ individuals in close personal relationships which may include, but are not limited to, spouses, children, stepchildren, grandchildren, parents, grandparents, siblings and in-laws to work under the direct supervision of another such family member.

No relative (spouse, child, grandchild, parent, grandparent, sibling, or in-law), of a Town Council member or the Town Manager, shall be employed by the Town of Fountain Hills during that individual's tenure.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** SECONDARY EMPLOYMENT  
**POLICY NO:** 209  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines for Town employees concerning outside employment.

**STATEMENT OF POLICY:** The Town of Fountain Hills does not generally prohibit employees from engaging in secondary employment. However, each full-time employee's Town position should be considered the employee's primary employment. Therefore, the Town of Fountain Hills does prohibit secondary employment when it interferes with the employee's Town duties, involves a potential conflict of interest, or in any way compromises the integrity or credibility of the Town of Fountain Hills government in the community.

**SCOPE:** Town of Fountain Hills' employees should avoid:

- A. Secondary employment with an entity that conducts business with the Town without full disclosure and satisfactory management of any potential conflict of interest.
- B. Secondary employment which cannot be accomplished outside of the employee's normal working hours or is otherwise incompatible with the performance of the employee's duties by placing the employee in a position of conflict between the employee's role with the Town and the employee's role in the outside employment.
- C. Performance of work for any governmental entity within the State of Arizona without the written consent of both employers.
- D. Secondary employment which exploits official position or confidential information, acquired in the performance of official duties for personal gain.
- E. Secondary employment which may be viewed by the public as work on behalf of the Town. Due to the importance of the public's perception of the Town government, all employees who engage in secondary employment must disclose such work on a "Secondary Employment Declaration" form (See Exhibit 209-A). Secondary employment is subject to review for conformance to this policy. Employees engaged in secondary employment determined not to be in conformance may be required to cease such employment. If there is any question regarding secondary employment or volunteer positions, it is recommended these be discussed in advance with supervision.

**VOLUNTEER ACTIVITIES:**

Employees are encouraged to engage in volunteer activities, especially activities to improve community life. However, employees should evaluate their volunteer activities in the same manner as outside employment to identify any potential conflict with the employee's Town position and discuss these potential conflicts with their supervisor on an individual basis. Employees should declare volunteer activities only if the employee believes there is some reason for concern consistent with the spirit of the policy.

**TOWN OF FOUNTAIN HILLS  
SECONDARY EMPLOYMENT DECLARATION**

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_ Department: \_\_\_\_\_

*In accordance with Town policy, I hereby declare the following secondary employment:*

Other Employer Name: \_\_\_\_\_

Other Employer Address: \_\_\_\_\_

Position/Title (if any): \_\_\_\_\_ Hours of Work: \_\_\_\_\_

Description of work performed: \_\_\_\_\_

\_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved:    €Yes    €No**

\_\_\_\_\_  
Immediate Supervisor Signature Date

Comments: \_\_\_\_\_

\_\_\_\_\_

**Approved:    €Yes    €No**

\_\_\_\_\_  
Department Head Signature Date

Comments: \_\_\_\_\_

\_\_\_\_\_

**Approved:    €Yes    €No**

\_\_\_\_\_  
Town Manager Signature Date

Comments: \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** HARASSMENT  
**POLICY NO:** 210  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy prohibiting harassment in the workplace and provide a method by which claims of harassment may be investigated and resolved.

**STATEMENT OF POLICY:** The Town of Fountain Hills desires to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting harassment. The Town prohibits harassment by and of Town personnel, including Department Heads, supervisors and employees.

**SCOPE:** Harassment is misconduct that interferes with work productivity and deprives employees of the opportunity to work in an environment free from unequal treatment or unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication or visual displays, requests for sexual favors and other such verbal, visual or physical misconduct. Harassment, including sexual harassment, is a prohibited practice and is a violation of the law. According to guidelines issued by the United States Equal Employment Opportunity Commission:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**PROCEDURE:** Every employee of the Town has an affirmative duty to maintain a work place free of harassment and intimidation. An employee should take complaints or reports of harassment directly to their supervisor, or, if their supervisor is the subject of the complaint, to their supervisor's supervisor (See Exhibit 210-A). Department Heads or supervisors who receive complaints or reports of harassment must immediately inform the Human Resources Administrator of such complaints. The Human Resources Administrator will expedite an investigation into the allegations. Confidentiality of all parties involved in a harassment charge shall be respected except to the extent that it interferes with the Town's legal obligation to investigate allegations of misconduct and to take appropriate action. When an investigation has been conducted, all associated persons will normally be advised of the outcome of the investigation. The Town Manager shall take such disciplinary action as is warranted, up to and including termination of the offending party. The Town shall not condone reprisal in any form against the aggrieved person or corroborating witnesses. All department heads, supervisors and employees must attend harassment prevention training when provided by the Town.



**EXHIBIT 210-A**

**EMPLOYMENT DISCRIMINATION  
AND/OR HARASSMENT  
COMPLAINT FORM**

Name (please print)	
Home Street Address	
City, State, Zip	
Home Phone No.	Work Phone No.

<b>If you are a current Town employee:</b>
Supervisor's Name:
Department:

Do you believe you have been discriminated or harassed on the basis of:				
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age	<input type="checkbox"/> Religion	Other
<input type="checkbox"/> Sex	<input type="checkbox"/> Disability	<input type="checkbox"/> Color	<input type="checkbox"/> Retaliation	

<p><b>Briefly describe the nature of your complaint:</b> Please explain the problem as you see it and any ideas you have to solve the problem. Where possible, specify the date(s) of the incident(s) and name(s) involved. If additional space is needed, please attach additional pages.</p> <hr/>
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The Town of Fountain Hills will not tolerate employment discrimination or harassment upon an employee's or applicant's race, color, national origin, sex, religion, disability or age. An employee or applicant asserting a good faith employment discrimination or harassment complaint and/or participating in an investigation of such a complaint will be protected from retaliation or discipline. Any employee found guilty of retaliation will be disciplined, up to and including termination.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** ABSENTEE REPORTING, PERSONAL PHONE CALLS, RECORD CHANGES  
**POLICY NO:** 211  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish procedures for absentee reporting, personal telephone calls, and record changes.

**PROCEDURE:**

**ABSENTEE REPORTING:**

Whenever an employee is unable to report for work for any reason, he or she must call at least thirty (30) minutes prior to the start of his or her scheduled working hours. If the employee is not able to call personally, another person may call the immediate supervisor, or a person who is able to relay a message to the immediate supervisor, prior to the start of his or her scheduled working hours. An explanation should be provided concerning the reason for the absence with an estimate of when the employee will be able to report for work. Failure to provide this notification within the time specified, except for extreme circumstances, may result in the employee being placed on leave without pay status for the duration of the absence. When an employee becomes sick during the workday, he/she should notify their supervisor if it will involve time away from work.

**PERSONAL TELEPHONE CALLS**

Personal telephone calls during duty hours must be kept to a minimum and should be made and received as much as possible only during breaks or meal periods.

**RECORDS CHANGES**

Changes of name, address (both mailing and residence), telephone number, or marital status must be reported immediately to the Human Resources Office in order to update employee records. A record change form is provided for this purpose and must be signed by the employee (See Exhibit 211-A). Supervisory managers must also be notified of such changes. This information is required to be able to reach employees in an emergency, for insurance purposes, and to properly prepare payroll-related documents.

**Town of Fountain Hills  
PERSONAL INFORMATION CHANGE FORM**

*Please PRINT CLEARLY and sign and date at the bottom of the form.  
Return to Human Resources, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268*

**Type of Change (check all that apply)**

\_\_\_\_\_ Name

Required to be brought to Human Resources

1. New tax forms (W-4 and A-4)
2. Copy of new Social Security Card reflecting the name change or a copy of the receipt from Social Security confirming an application for a new card.
3. I-9 (with two of the sections completed; Section 1 with the OLD name; Section III with the new name). Section II must be completed by a Human Resources representative in your presence.

\_\_\_\_\_ Emergency Contact

\_\_\_\_\_ Telephone

\_\_\_\_\_ Address

\_\_\_\_\_ Marital Status

\_\_\_\_\_ Change of Gender (check one) \_\_\_\_\_ Male to Female \_\_\_\_\_ Female to Male

Employee Name (Example: Smith, Jane A.) \_\_\_\_\_

New Name (Example: Jones, Jane S.) \_\_\_\_\_

Social Security Number/Employee ID \_\_\_\_\_

Employee Home Phone (with area code) \_\_\_\_\_

Local Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

- Does this address update also apply to W-2 mailings? (check one) \_\_\_\_\_ Yes \_\_\_\_\_ No

Emergency Contact (Example: Jones, John B.) \_\_\_\_\_

Emergency Contact Phone Number (with area code) \_\_\_\_\_

Marital Status \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Separated \_\_\_\_\_ Single \_\_\_\_\_ Widowed

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** DRESS CODE AND UNIFORMS  
**POLICY NO:** 212  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To provide guidelines for the appearance of Town employees when performing duties and conducting business for the Town.

**STATEMENT OF POLICY:** All Town employees are expected to present a positive, professional, and appropriate image consistent with the duties and assignments of each employee. This policy represents the minimum standards which will be applied to all departments. Most departments have at least some uniqueness in terms of operating needs, such as customer expectations and safety. Therefore, departments may have more restrictive standards if such standards are approved in writing by the Town Manager. Department Heads and supervisors are responsible for determining and enforcing the dress code for their respective areas of responsibility.

**SCOPE:** The Town recognizes the changing nature of fashion; however, the professional image of the Town is maintained, in part, by certain expected norms of professional appearance, of personal neatness, cleanliness, and good grooming which are applicable to all employees. Extravagance and extremes of style and attire are not in good taste in a public service environment. The Town reserves the right to advise any employee at any time that his or her grooming, attire, or appearance is unacceptable.

All clothing which is worn on duty shall be neat, clean, properly pressed and well maintained. Casual apparel and footwear are not appropriate unless directly related to the job assignment, or a special event, or medical condition approved by the Town Manager. All employees shall maintain personal grooming habits which do not detract from their ability to perform their job or adversely affect the working conditions of fellow employees.

**POLICY:** The Town's primary objective is to have employees project a professional image and also be able to take advantage of a 'business casual' dress policy as an alternative to the professional attire of dresses, suits, ties, and dress shoes. Employees are expected to maintain an appearance that is appropriate to the work situation. All employees are responsible for complying with this policy. If a supervisor feels that an employee's apparel or grooming is not appropriate, the matter will be discussed with the employee. If a pattern of non-compliance develops, progressive discipline will be administered as appropriate, up to and including termination.

The following information is intended to serve as a general overview of acceptable business casual wear as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow you to make intelligent judgments about items that are not specifically addressed. A good rule of thumb is that if you are not sure if something is acceptable, choose something else or inquire first.

## **Professional Attire**

Positions that involve frequent, direct public service contact, i.e. those where meeting the public is an inherent function of the position, and where such contact would normally occur daily, are subject to the following appearance standards:

- In general, male employees shall wear neat and clean dress slacks and dress shirts or conservative shirts. Neckties, suits and sport coats should be worn whenever the employee has contact with individuals similarly dressed. Footwear shall be maintained in a clean and polished manner and socks should be worn. (Sneakers and gym, jogging, and tennis shoes are inappropriate unless directly related to the job assignment, or a special event or medical condition approved by the Town Manager).
- In general, female employees shall wear neat and clean dresses or skirts of an appropriate business length, generally two (2) inches above the knee or lower, or may wear dress slacks, blouses and footwear compatible with clothing worn by counterparts in the business office environment. (Gym, jogging, sneakers, beach sandals, and tennis shoes are inappropriate unless directly related to the job assignment, or a special event or medical condition approved by the Town Manager).
- Field positions in Development Services and Community Services will be covered by departmental dress policies which may include a requirement to wear a Town provided uniform. Uniformed employees must wear neat and clean uniforms at all times.

## **Business Casual**

The principal differences between professional dress and business casual are decreased formality, such as the absence of a tie, the substitution of a polo shirt for dress shirt, the substitution of a sweater for sports coat for men, and more informal skirts, dresses, pants and shoes for women. Business casual dress in some areas may necessarily be “dressier” than in others due to the nature and frequency of contacts with the general public or government officials. The objective of business casual dress is to be comfortable, while still maintaining a professional business environment. Casual business wear encompasses many looks, but it really means casual clothing that is appropriate for an office environment. It is clothing that allows you to feel comfortable at work, yet always looks neat and professional. Clothing such as casual slacks, polo shirts, sweaters, and casual shoes would be appropriate.

- In general, acceptable male attire consists of khaki or casual style slacks, collared shirts, whether polo style or button-down shirt. Socks and a belt must be worn.
- In general, acceptable female attire consists of khaki or casual style slacks, casual blouse, sleeveless blouse, or polo style shirt.

## **Casual/Dress Down Thursday**

Dress-down days have become very popular as a strategy for improving morale among employees. Thursdays of each week will be considered a dress down day. Attire for dress down days will be “relaxed casual” and may include jeans, athletic or tennis shoes and sandals.

There are times when traditional business attire is to be worn on casual days. Take your day’s schedule into account when you are dressing. If you have a meeting scheduled with visitors, or if you are advised that others in the department will have visitors with whom you will come in contact, you will want to dress in professional/business casual attire. And, of course, professional attire is always acceptable if that is your preference.

## **Exceptions:**

- Anytime scheduled meetings or other work commitments involve the general public, outside business representatives, or government employees outside the Town, good judgment in choice of attire is expected. This will normally mean wearing professional dress attire for that day.
- Individuals employed in areas where safety equipment or other uniform or dress considerations are in place due to occupational health and safety or other business related reasons, must adhere to those safety standards deemed appropriate by the department head. This may preclude the wearing of tennis shoes, for example.
- Under no circumstances may employees wear halter tops; strapless tops; spaghetti straps; tank tops, midriff/cropped tops; any garment with words or pictures that may be offensive, demeaning or discriminating to others; see through (sheer) or mesh clothing that shows undergarments; torn clothing, or clothing with holes in it; clothing designed specifically for sporting activities (i.e. as sweats, shorts, leggings, spandex, skorts, bib overalls, thongs, flip flops); sleepwear; faded clothing; clothing more appropriate for evening or leisure wear (i.e. miniskirts, low-cut tops, or any revealing or provocative clothing). All clothing must be clean, neat, and fit properly (This eliminates “rapper style” baggy pants and extremely tight clothing).

## **Work-Study Students**

Students (Interns) frequently work in support of regular department employees in return for educational credit and/or financial aid subsidies. Dress for these employees is casual but not controversial. Some consideration must be given to the fact that students have limited means and are usually working between classes. If safety clothing or equipment is deemed necessary by the department, such clothing will be furnished by the department. T-shirts bearing language or art which is likely to offend others, torn clothing, unkempt appearance, or revealing clothing which exposes parts of the body typically covered in that work setting should be avoided.

## **Jewelry, Tattoos, Facial Hair, and Hairstyles**

Earrings are acceptable; however, no more than two earrings may be worn on each ear while working. Rings through the nose, eyebrow, tongue, or body parts (other than the ear lobe) visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature. Facial hair is permitted as long as it is neat and well trimmed. Hair should be clean, combed, and neatly trimmed or arranged. (Departmental policies for uniformed field positions may require tattoos to be covered at all times, may prohibit jewelry, and may prohibit facial hair).

Job-related safety when operating potentially dangerous machinery with moving parts, or jobs with public health considerations such as serving or cooking food or resuscitation may nevertheless require appropriate adjustments.

This is not an all inclusive dress code policy. Any attire which causes a distraction from the normal business of Town employees or is a safety hazard will be addressed. The very nature of our business requires daily contact with many people from all walks of life. Therefore, projecting a professional image and appearance is very important.

Employees will be requested to return home to change and return to work if not complying with the Town’s appearance/grooming and footwear policies. Employees will be sent home on vacation leave (if available and with supervisory approval) or will not be compensated for this time out of the office. A documented verbal counseling should be given to the employee and the Town’s dress and appearance standards should be reviewed. A second or subsequent deviation from acceptable grooming and attire standards will again result in

the employee being sent home on vacation or unpaid leave. Such subsequent incidents will be cause for disciplinary action up to and including termination.

Employees with religious needs related to this policy may be accommodated and should discuss those needs with their supervisor.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CONDITIONS OF EMPLOYMENT  
**POLICY:** VIOLENCE IN THE WORKPLACE  
**POLICY NO:** 213  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The safety and security of all employees is of primary importance at the Town of Fountain Hills.

**STATEMENT OF POLICY:** Threats, threatening and abusive behavior, or acts of violence against employees, visitors, customers, or other individuals by anyone on Town property will not be tolerated. Violations of this policy will lead to corrective action up to, and including, termination and/or referral to appropriate law enforcement agencies for arrest and prosecution. The Town of Fountain Hills reserves the right to take any necessary legal action to protect its employees.

**SCOPE:** This policy applies to all Town employees

**POLICY:** Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town premises shall be removed from the premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation initiated by the Town Manager or designee. Following investigation, the Town of Fountain Hills will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All employees are responsible for notifying management of any threat that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a Town-controlled site or is connected to Town employment or Town business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened. The organization understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECORDS  
**POLICY:** CONFIDENTIALITY AND EMPLOYEE RECORDS  
**POLICY NO:** 301  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines for release of information and access to employee records.

**SCOPE:** Town employees have a right to expect that their personal information will be held in strictest confidence and that only authorized persons will have access to the information. Regardless of the position for which an employee was hired, he or she is entrusted with the responsibility to maintain clients and fellow worker's rights to confidentiality. The release of any information to unauthorized individuals is a breach of this policy and will be cause for disciplinary action up to and including termination.

As a public entity, the Town is the custodian of various public records to which citizens should have ready access. Directors of departments that maintain such public records are responsible for training their employees in providing the required public access. Access to the personnel files of Town employees are controlled as follows:

1. The employee may examine his or her personnel file in the Human Resources Office at reasonable times upon reasonable notice.
2. The immediate supervisor or Department Head may examine, in the Human Resources Office upon reasonable notice, the personnel file of any employee under their supervision or being considered for a position under their supervision.
3. The Town Manager may examine any employee's personnel file at any time.
4. Any individual who has written authorization from the employee to review the personnel file may do so (e.g. officials of an agency to which the employee has applied).
5. An employee's personnel file may be examined upon request by an investigator of a state or federal law enforcement agency with a valid legal reason for such examination.
6. An employee's personnel file may be duly subpoenaed in a legal action.
7. The home addresses and telephone numbers of Town employees are not public information and will not be released without the written consent of the employee.
8. Pursuant to A.R.S. §39-121 et. seq., any person may request to examine or be furnished copies of any public record. The Town of Fountain Hills' policy prohibits the disclosure of personal information about an employee without the employee's written consent. The Human Resources Administrator will release an employee's personnel file for viewing after an audit has been performed on the file to ensure that any such information (birth date, SSN, home address, home phone number, spouse/dependent and medical information, etc.) is edited from the file prior to viewing it.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECORDS  
**POLICY:** PERSONNEL RECORD KEEPING  
**POLICY NO:** 302  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish procedures for the creation and maintenance of personnel records for the Town.

**STATEMENT OF POLICY:** An official personnel file is established and maintained for each employee upon hire. These files are housed in the Human Resources office and are the property of the Town.

Official personnel records include, but are not limited to: Application forms; performance appraisals; written corrective action forms or memoranda; employee status forms; training records; documents relating to certification/licensure; formal commendations; benefit forms; tax forms; and payroll records.

Background/reference checks; interview notes; and medical records are maintained separately. EEOC self-identification forms and I-9 forms should also be maintained in a separate file.

Employees may inspect their official personnel file at reasonable times upon reasonable notice in accordance with Policy 301.

**SCOPE:** This policy applies to all employees and all personnel records.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECORDS  
**POLICY:** PERFORMANCE EVALUATION  
**POLICY NO:** 303  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a system of periodic evaluation of the work performance of Town employees.

**STATEMENT OF POLICY:** The performance evaluation is an essential and effective communication tool in the management of the Town's workforce. Performance management, of which the evaluation process is an integral part, is at the core of productivity and the quality of service provided for the citizens of the Town of Fountain Hills. The performance evaluation provides direction for individual and group staff development.

**SCOPE:** An employee may be reviewed at any time, but a formal performance evaluation is done at least once annually. Introductory employees are reviewed prior to the end of their designated introductory period with a recommendation for regular status, introductory rejection, or extension of the introductory period.

Every full-time Town employee will receive a formal written evaluation of work performance for the twelve (12) month period preceding the designated evaluation date of his/her current employment with the Town. Part-time employees will not receive a formal written evaluation of work performance until they have completed a minimum of 1040 hours. Performance evaluations will be made on the forms provided by the Human Resources office and will be completed and delivered to the Human Resources office no later than ten (10) working days after the evaluation due date. New employees will receive a performance evaluation prior to the completion of their designated introductory employment period. These reviews will take place regardless of whether the employee is eligible for a pay increase. A performance evaluation is not necessarily linked with a salary increase. Employee self-evaluations may be completed, but are not required and are strictly voluntary.

Performance evaluations are completed by the employee's supervisor. All performance reviews will be reviewed and signed by the Supervisor, Department Head, and the Human Resources Administrator prior to the performance review conference taking place with the employee. The Employee Status Change form with the recommended salary increase, if any, must also be reviewed and signed by the Supervisor, Department Head, Human Resources Administrator, and Town Manager prior to the performance review conference taking place with the employee. These signatures signify agreement with the contents of the performance evaluation, as well as format and thoroughness. After discussion, the employee signs the evaluation to confirm that an opportunity for review was provided. Refusal of the employee to sign does not invalidate the evaluation. The employee is given a copy of the evaluation and all original performance review forms are maintained in the employee's personnel file location in the Human Resources office.

Supervisors are strongly encouraged to keep employees aware of their level of performance through the normal managerial coaching process so that the performance evaluation itself is merely a formalization of what both the employee and the supervisor already know about the employee's performance and about his/her development needs and desires.

When an employee is away from work due to a leave of absence greater than thirty consecutive working days, the employee's review date will be extended accordingly.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECORDS  
**POLICY:** JOB DESCRIPTIONS  
**POLICY NO:** 304  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a job evaluation program that provides a systematic and equitable method of evaluating all jobs within the Town of Fountain Hills.

**STATEMENT OF POLICY:** A job description is a formal document describing the nature, scope, physical requirements, and responsibilities of a specific job within the organization. Job descriptions are used for purposes of training and development, annual performance appraisals, promotions, recruiting, and hiring. Job descriptions are prepared by the incumbent employee, supervisor, and the department director, with final review by the Town Manager and Human Resources, and approval by the Town Council.

**SCOPE:** Human Resources or the Town Manager’s designee is responsible for:

1. Administering the overall job description program;
2. Providing the necessary training, instructional materials, and assistance to employees, supervisors, and department directors;
3. Monitoring job descriptions for proper format;
4. Maintaining a central file of all current job descriptions;
5. Ensuring that all positions have a job description. Supervisors and department directors are responsible for reviewing and approving job descriptions for their areas;
6. Reviewing job descriptions on an ongoing basis to ensure their accuracy.

All jobs within the organization must be evaluated and assigned a job grade and classification in accordance with Policy 601 and 701. All new positions must be evaluated and approved before the job can be posted. When the duties of a job change significantly, it may be necessary to reevaluate the job’s classification.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH AND WELFARE  
**POLICY:** DRUG AND ALCOHOL ABUSE AND TESTING  
**POLICY NO:** 401  
**EFFECTIVE:** October 7, 2004  
**REVISED:** August 1, 2013

**PURPOSE:** To establish a drug-free workplace and a drug and alcohol testing program conducted in accordance with state and federal law.

**SCOPE:** This policy applies to all Town employees, all applicants who have received conditional offers of employment with the Town, and all employees of Town contractors who are performing services on Town property, or who are operating Town equipment, machinery, or vehicles.

Certain procedures relate only to employees and applicants whose positions require the possession of a commercial driver's license (CDL) or who perform safety-sensitive functions as noted herein. Employees are performing safety-sensitive functions if they are (i) driving a commercial motor vehicle that requires the driver to have a CDL; (ii) inspecting, servicing, or repairing any commercial motor vehicle; (iii) waiting to be dispatched to operate a commercial vehicle; (iv) performing all other functions in or upon a commercial motor vehicle; (v) loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded; (vi) performing driver requirements associated with an accident; or (vii) repairing, obtaining, assisting, or remaining in attendance upon a disabled commercial motor vehicle.

**RESPONSIBILITIES:** Human Resources will be responsible for the development, coordination, and documentation of the Drug and Alcohol Abuse Policy for the Town of Fountain Hills. All Town personnel with supervisory responsibility will have knowledge of and be responsible for the communication, enforcement, and adherence to this policy.

**POLICY:** The Town is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. The Town recognizes that alcohol abuse and drug use pose a significant threat to its goals. Therefore, the Town has established a drug-free workplace program that balances its respect for individuals with the need to maintain an alcohol and drug-free environment. The Town encourages employees to voluntarily seek help with drug and alcohol problems.

The Town prohibits the possession, sale, consumption, or being under the influence of alcoholic beverages or drugs by employees, volunteers, and others while in the workplace, during working hours outside the workplace, or while on Town business, or in a Town vehicle. Any employee, volunteer, or other person subject to this policy who is found possessing, selling, consuming, or being under the influence of alcohol or drugs while on duty will be subject to discipline, up to and including termination.

Any employee, volunteer, or other person subject to this policy who is using prescription or over-the-counter drugs that may impair that persons' ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work while under the influence of such prescription or over-the-counter drugs. In accordance with A.R.S. § 36-2813, the Town will not discriminate against a person in hiring, termination, or imposing any term or condition of employment or

otherwise penalize an employee based on his/her status as a medical marijuana cardholder or positive marijuana drug test as a qualified patient, unless the employee used, possessed or was impaired by marijuana in the workplace (i.e. on Town premises, in a Town vehicle, or on Town business) or during the hours of employment, in which case the disciplinary provisions of this policy will apply.

## **PROCEDURES:**

### **Testing**

All employees and prospective employees, as a condition of employment, will be subject to alcohol and drug testing for job-related purposes consistent with business necessity, including, but not limited to, pre-employment screening and periodic, random, post-accident, and reasonable suspicion testing upon selection or request of management.

A negative pre-employment drug test result is required before an employee can first perform any duties, including safety-sensitive duties.

Random alcohol and drug tests of CDL drivers will be unannounced and spread reasonably throughout the calendar year. Selection for tests will be made in accordance with 49 C.F.R. § 382.305 and ensure that each CDL driver will have an equal chance of being tested each time selections are made.

Reasonable suspicion alcohol and drug tests will be administered when a supervisor or official who is trained to detect signs and symptoms of drug use or alcohol misuse makes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee that result in reasonable suspicion that this policy has been violated. The person making such observations concerning a CDL driver shall record them in a signed writing within 24 hours of the observations or before the test results are released, whichever is earlier. Reasonable suspicion alcohol testing based on observations of an employee just before, during or just after performing safety-sensitive functions is to be done within 2 hours of the observation or a written statement must be prepared to explain any delay; after 8 hours testing will not be conducted and a written statement of the reasons must be prepared.

Post-accident alcohol and drug testing will be administered in the event of any motor vehicle accident involving (i) the loss of human life or where the driver receives (within 8 hours of the accident for alcohol testing or within 32 hours of the accident for drug testing) a citation for a moving traffic violation and the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or (ii) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away by tow truck or other motor vehicle.

- If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.
- If a post-accident controlled substances test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said 32 hours.
- An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

Any drug testing or alcohol impairment testing will normally occur during, or immediately before or after, a regular work period and will be treated as work time. The Town will pay the actual costs for drug testing and alcohol impairment testing of its employees and prospective employees. The Town will pay reasonable transportation costs to current employees if tests are conducted at a location other than the employee's normal work site.

The substances that may be tested for include (i) alcohol and (ii) drugs that are circumscribed by Arizona Revised Statutes, Title 13, Chapter 34, such as Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Barbiturates, Benzodiazepines, Methadone, Propoxyphene, and Oxycodone.

Testing for the presence of alcohol will be primarily conducted by analysis of breath but not limited to this method only.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

To ensure the accuracy and fairness of the testing program, all testing will be conducted according to A.R.S. § 23-493.03 and Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable. Testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide any information that may be considered relevant to the test, such as a physician's prescription; and a documented chain of custody. Samples will be collected under reasonable and sanitary conditions. Samples will be collected, labeled, stored, and transported in a manner reasonably designed to preclude the possibility of contamination, adulteration, or misidentification.

Any employee who tests positive for drugs or above 0.04 blood alcohol content (BAC) may be subject to discipline and recommended for termination. Employees who test positive have the right to explain the positive test result in a confidential setting if they request to do so. Any CDL driver who tests positive for drugs or alcohol above 0.04 BAC or who refuses a test will immediately be removed from safety-sensitive duties and referred to a substance abuse professional. Following a BAC of 0.02 or greater, but less than 0.04, a CDL driver will immediately be removed from safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Any prospective employee who tests positive may have the offer of employment withdrawn and the Town may refuse to hire him/her. An applicant who is not hired because of a positive test result may not reapply for a period of one year.

Refusal to provide a drug testing sample or alcohol impairment testing sample in accordance with this policy may be used as a basis for disciplinary action just as if the employee or applicant tested positive. Refusal includes (i) failing to provide a breath or urine sample, (ii) providing insufficient volume without medical explanation, (iii) adulterating or substituting a specimen, (iv) failing to appear in a reasonable time, (v) leaving the scene of an accident without just cause prior to submitting to a test, (vi) leaving the collection facility prior to test completion, (vii) failing to permit an observed or monitored collection when required, (viii) failing to take a second test when required, (ix) failing to undergo a medical examination when required, (x) failing to cooperate with any part of the testing process, or (xi) failing to sign the alcohol test form.

### **Assistance**

The Town recognizes that alcohol and drug abuse and addiction are treatable illnesses. The Town also realizes that early intervention and support improve the success of rehabilitation. To support its employees, the Town drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

- Offers all eligible employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you may request an unpaid leave of absence for this purpose, which may be covered leave under the Family and Medical Leave Act under certain circumstances. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this policy. If you need assistance in seeking this help, you may contact the Employee Assistance Program (EAP). No one will be discriminated against for undertaking rehabilitation.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by the Town through the drug-free workplace program is confidential communication and will be maintained in separate confidential records. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. Tested employees have the right to obtain their written test results if they request them.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

**Communication**

Communicating the drug-free workplace policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.



**EXHIBIT 401-A**

**TOWN OF FOUNTAIN HILLS  
DRUG & ALCOHOL ABUSE POLICY  
ACKNOWLEDGMENT**

Dear employee and prospective employee of the Town of Fountain Hills:

In order to assure proper operation, every business has to maintain certain rules of conduct. We have made every effort to establish rules that are clear, fair and will be followed consistently by all employees.

The attached Policy concerns the effects of drugs in the workplace. Please review it carefully, and we will address any and all of your questions regarding its contents.

We will collect this signed cover sheet that acknowledges your receipt of and agreement to comply with the provisions contained in our Drug & Alcohol Abuse Policy. Although this document contains our latest substance abuse policies and rules, it may be necessary, from time to time, to make changes to best serve the needs of our organization. Any changes that become necessary will be communicated in writing.

I acknowledge that I have received a copy of the Drug & Alcohol Abuse Policy of the Town of Fountain Hills. I further understand that it is my obligation to read and comply with the rules and provisions contained within the Policy.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date



**EXHIBIT 401-B**

## Town of Fountain Hills

16705 E. Ave of the Fountains, Fountain Hills, AZ 85268  
(480) 816-5100 Fax: (480) 837-3145

### PRE-EMPLOYMENT DRUG/ALCOHOL TESTING CONSENT FORM

I understand that any offer of employment will be conditional upon me successfully passing a drug and/or alcohol test before I begin employment at the Town of Fountain Hills. I further understand that a positive drug and/or alcohol test or refusal to take a drug and/or alcohol test will mean that an offer of employment to me will be withdrawn. The Town of Fountain Hills will pay the cost of the pre-employment drug and/or alcohol test. Any additional treatment or cost relating to the results of the testing is the applicant's responsibility.

The Town of Fountain Hills will maintain the results of the pre-employment drug and/or alcohol test. Negative and positive results will be reported to the Human Resources Administrator.

I understand the above conditions and hereby agree to comply with them. I, hereby, give full consent to undergo a drug and/or alcohol test as a condition of employment with the Town of Fountain Hills.

\_\_\_\_\_  
Print Applicant's Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Witness Signature \_\_\_\_\_

Date \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH & WELFARE  
**POLICY:** SMOKE-FREE WORKPLACE  
**POLICY NO:** 402  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy concerning smoking in the workplace.

**STATEMENT OF POLICY:** The Town of Fountain Hills strives to maintain a healthy environment for its employees and customers. Smoke is recognized as a carcinogen and is to be eliminated from work areas. All Town buildings and vehicles are designated as smoke-free. All Town buildings will be signed to state that smoking is not permitted. The Town Manager, Department Heads and supervisors will ensure that there is no smoking in Town buildings and vehicles.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH & WELFARE  
**POLICY:** WEAPONS  
**POLICY NO:** 403  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy concerning weapons in the workplace.

**STATEMENT OF POLICY:** Despite some laws that allow people to carry firearms in public, the Town of Fountain Hills prohibits anyone from possessing or carrying weapons of any kind on Town property, in Town owned vehicles, or during working hours. This includes:

- Any form of weapon or explosive
- All firearms; and
- All illegal knives or 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, please contact Human Resources. Employees are responsible for making sure that any item they possess is not prohibited by this policy. Police officers, security guards, and other individuals who have been given consent by the organization to carry a weapon on the property will be allowed to do so.

While the Town has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on the part of the organization to take any actions beyond those required of an employer by existing law.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH & WELFARE  
**POLICY:** ON-THE-JOB INJURY AND ILLNESS  
**POLICY NO:** 404  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish procedures to be followed when an employee is injured at the workplace.

**SCOPE:** All employees.

**STATEMENT OF POLICY:** The Town provides a comprehensive workers' compensation insurance program to its employees. This program does not cost the employee anything.

The workers' compensation program covers injuries or illnesses that might happen during the course of employment that require medical, surgical, or hospital treatment. There are well-defined provisions that must be met to ensure that employees qualify for workers' compensation benefits. Workers' compensation covers only work-related injuries and illnesses. Generally, neither the Town nor its insurance carrier will pay workers' compensation benefits for any injuries that might happen if an employee voluntarily participates in an off-duty recreational, social, or athletic activity.

**PROCEDURE:** Employees must tell their supervisors immediately about any work-related injury or illness, regardless of how minor it might seem at the time. Prompt reporting helps to make sure that employees qualify for coverage as quickly as possible and lets the Town investigate the matter promptly.

1. Work-related injury or illness should be reported in writing within 24 hours to the employee's supervisor.
2. A physician approved by Human Resources must treat the injured employee on a first visit. Medical attention should be sought from a medical facility providing occupational health services for the Town and the employee, or another person on behalf of the employee, should inform the medical facility that the employee is employed by the Town.
3. The employee should provide physicians' statements, including releases to return to work and modifications required, to Human Resources. An employee who fails to return to work after being released by an approved physician will be considered to have resigned and will be terminated.
4. An employee who is receiving workers' compensation benefits may use sick leave to make up the difference between the workers' compensation payments and current hourly rate of pay. If the employee has exhausted sick leave, then he/she may use vacation time to make up the difference between the workers' compensation payments and current hourly rate of pay. Employees shall not be permitted to utilize sick or vacation time in such a way that would compensate the employee with an amount greater than his/her current hourly rate of pay. If an employee uses sick or vacation time to make up the difference between compensation received through workers' compensation and the employee's current hourly rate, it shall be the responsibility of the supervisor to record the appropriate time on the biweekly time sheet.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH & WELFARE  
**POLICY:** TEMPORARY MODIFIED DUTY  
**POLICY NO:** 405  
**EFFECTIVE:** October 7, 2004  
**REVISED:**

The Town of Fountain Hills is committed to providing work, when possible, for employees who have been restricted by a health care provider. Such work will be provided subject to availability. Work will be assigned due to the nature of the injury or illness and the limitations set forth by the treating physician. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate position is available.

While on temporary modified duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department.

Employees on temporary modified duty must furnish a written update of their medical condition to their supervisor and the Human Resources Administrator from the treating physician after each visit in order to remain in the reassigned job. Temporary modified duty assignments are limited to a period of 90 days, subject to review. It is not intended to accommodate employees with non-temporary disabilities. Being placed on a temporary modified duty assignment does not excuse an employee from following all rules and regulations.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** HEALTH & WELFARE  
**POLICY:** DISABILITY ACCOMMODATION  
**POLICY NO:** 406  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To define the Town’s position on reasonable accommodations for qualified individuals with disabilities.

**STATEMENT OF POLICY:** The Town of Fountain Hills is committed to complying fully with the Americans with Disabilities Act, as amended, (ADA) and state law concerning the employment rights of qualified persons with disabilities. It is the policy of the Town to conduct all employment practices and activities on a non-discriminatory basis. The Town prohibits discrimination against qualified individuals with disabilities in the job application process, hiring, advancement, discharge, compensation, job training, and all other terms, conditions, and privileges of employment.

The Town will make reasonable accommodation to the known physical or mental disabilities of qualified applicants or employees to the extent necessary to enable the applicant or employee to perform the essential functions of the position held or sought, to ensure equal opportunity in the application process and to enable employees with disabilities to enjoy equal benefits and privileges of employment, unless the accommodation imposes an undue hardship. The Town will not employ persons in jobs in which they pose a direct threat to self or others.

Reasonable accommodation may include, but is not limited to: making existing facilities readily accessible to and useable by disabled individuals; restructuring or modifying a job; reassigning a disabled employee to a vacant position for which the employee is qualified without having to compete with other candidates for the position; establishing modified work schedules; acquisition or modification of equipment or devices; telecommuting, if practicable; and permitting disabled individuals to provide their own equipment, aids, or services.

**PROCEDURES:** An applicant or employee who requests an accommodation should submit a Request for Accommodation Form (See Exhibit 410-A) to the ADA Coordinator. The applicant or employee may be required to provide medical documentation of his/her disability and of the effectiveness of the accommodation sought. The Town may also require a medical examination to assist in assessing the existence of a disability and the effectiveness of accommodations.

The determination of whether an accommodation will be provided will be made by the ADA Coordinator, following consultation with the applicant or employee and the supervisor (See Exhibit 410-B). An employee or applicant who fails to provide requested information or otherwise fails to engage in the interactive process of assessing the existence of a disability and the necessity, availability, and effectiveness of an accommodation will be deemed to have withdrawn any request for accommodation. Any employee who is not satisfied with the response to an accommodation request should let the ADA Coordinator know and should work together with the ADA Coordinator to identify reasonable accommodation.

Implementation: The Human Resources Administrator is the ADA Coordinator and is responsible for implementing this policy. Specific responsibilities may be delegated to other management, administration, or supervisors.

Medical Records: The Town will maintain any employee health information in a confidential file separate from the personnel file. The health file will be accessible only on a need-to-know basis. Supervisory employees and employees with any first aid or safety duties may be informed of any medical conditions that may require emergency treatment, and all such information shall be kept confidential by those informed.

Medical Exams: Post-offer, fitness for duty, and other medical exams that serve a legitimate business interest may be required. In evaluating whether an employee or applicant is able to perform the essential functions of the job, an individualized analysis will be conducted based upon information reasonably available, including information from the employee or applicant, health care providers (if any were consulted), the employee's or applicant's personal physician or health care provider, if the employee or applicant provides such information to the Town, and any other pertinent information. Similarly, an individualized analysis will be conducted based on the same types of information to determine whether an employee or applicant would pose a direct threat in the job.



**EXHIBIT 410-A**

**TOWN OF FOUNTAIN HILLS**

**ADA Accommodation request**

In order to complete this form, you will need to discuss the essential functions of your job with your supervisor. You may also contact Human Resources if you have questions or need information about the ADA or the process for requesting reasonable accommodation.

**Employee Information**

<b>Name</b>	<b>Job Title</b>
<b>Department</b>	<b>Division</b>
<b>Telephone</b>	<b>Email</b>
<b>Supervisor's Name</b>	<b>Supervisor's Telephone</b>

1. Describe how your condition affects your ability to perform a major life activity and whether you use any mitigating measures (medication, assistive technologies such as wheelchairs, etc.). Which major life activity(s) is/are most significantly affected? Examples of major life activities are: seeing, hearing, breathing, walking, smelling, care for yourself, thinking, concentrating or working.
  
2. Describe how your condition limits your ability to perform the essential functions of your job. Identify the essential functions affected and be specific about how the medical condition impairs your ability in each instance.

3. Describe the accommodation you are requesting.
  
4. Explain how the accommodations you are requesting will enable you to perform the essential functions of your job. Be Specific.
  
5. Will you be able to perform all of the essential functions of your job if you receive the requested accommodation? If not, describe the specific functions you will not be able to perform.
  
6. Do you need assistance to identify accommodations that will enable you to perform the essential functions of your job? If you do, explain what type of assistance you need.
  
7. Provide any information or suggestion you can on how the requested accommodations(s) can be provided. If known, include the names, addresses and telephone numbers of vendors and the model number and approximate cost of any equipment requested.

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Employee Name (Please print)

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Work Telephone

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Signature

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Date



**EXHIBIT 410-B**

**TOWN OF FOUNTAIN HILLS**

**RESPONSE TO REQUEST FOR ACCOMMODATION  
PURSUANT TO TOWN OF FOUNTAIN HILLS'  
DISABILITY ACCOMMODATION POLICY**

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_

Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Today's Date: \_\_\_\_\_

I have considered your Request for Accommodation dated \_\_\_\_\_ and have made the following determination:

€ Your request will be granted effective \_\_\_\_\_, and will be implemented as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

€ I have determined no accommodation is required because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

€ Your requested accommodation is not reasonable and poses an undue hardship on the Town because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

€ Your requested accommodation will not be granted, but the following accommodation will be provided:

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Please note:

The Town of Fountain Hills is committed to working with you to determine whether there is any reasonable accommodation that will enable you to perform your job and will not pose an undue hardship to the Town.

Please let me know as soon as possible if you have an idea for a different form of accommodation or if anything about our accommodation process needs to be discussed further.

Sincerely,

---

ADA Coordinator

Please note the Town of Fountain Hills is not obligated to offer an accommodation for every physical or medical condition, but only under certain circumstances and for conditions that constitute “disabilities” as defined in state and federal law. Nonetheless, the Town reserves the right, within its judgment, to offer accommodations to employees who may not have such a disability. Granting any accommodation should not be considered an expression of the Town’s belief as to the existence or non-existence of an employee’s disability.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECRUITMENT AND ANNOUNCEMENT OF POSITIONS  
**POLICY:** RECRUITMENT  
**POLICY NO:** 501  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines to fill vacant positions within classified service.

Vacancies in classified service are announced to all current employees via e-mail. Other methods of recruitment are used as deemed appropriate by management.

**SCOPE:** Selection techniques used by the Town are impartial, practical, and job related. The examinations used may include but are not limited to oral, written, performance, physical/mental fitness, and training/experience evaluations. In addition, evaluation of past work performance, work samples, personal interviews, and background investigations may be used in the selection process.

**PROCEDURE:** Recruitment for any classified position shall occur in the following order:

1. Permission shall be obtained by Department Heads from the Town Manager to initiate recruitment proceedings.
2. Recruitment shall be advertised as the Town Manager deems advisable.
3. All hiring decisions of the Town Manager shall be final.
4. All applications, resumes, interview forms, recruitment information and process information shall be retained by the Town in accordance with State of Arizona retention laws.

**Announcement of Vacant Positions**

Vacancies within the classified service that are not filled through in-house promotion or transfers or through existing current applications on file, shall be published by posting announcements at the Town or in other appropriate public places and by such other means as the Town Manager deems advisable.

**Application Process**

Applicants must submit a completed Town of Fountain Hills application form. Failure to complete the "Application for Employment" form as directed may result in disqualification. Completed application forms become the property of the Town of Fountain Hills and are not returned to the applicants.

Any application may be rejected for the following reasons:

1. The applicant appears not to possess the qualifying experience and training required for the position.
2. The applicant has made any misstatement of any material fact.

3. The applicant has practiced any deception or fraud in his/her application.
4. The applicant has been convicted of a crime involving moral turpitude.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECRUITMENT AND ANNOUNCEMENT OF POSITIONS  
**POLICY:** EMPLOYMENT APPLICATIONS  
**POLICY NO:** 502  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July1, 2013

**PURPOSE:** To establish a policy for acceptance of applications and/or resumes

**POLICY:** The Town of Fountain Hills does not accept applications and/or resumes except for positions currently open within the organization. All applications and/or resumes must designate the open position being applied for or they will be disposed of. The Town of Fountain Hills does not retain unsolicited applications and/or resumes for any period of time. Individuals interested in applying more than once for employment must submit an application and/or resume each time they apply.

No individual can be made an offer of employment with the Town of Fountain Hills without filling out a Town of Fountain Hills Application for Employment. If the candidate has submitted a resume in order to apply for an open position, he/she may use the resume but it does not satisfy the requirement of a completed Town of Fountain Hills Application for Employment. It is not sufficient to state "see resume" on the application form. All sections must be filled out and the application signed.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** RECRUITMENT AND ANNOUNCEMENT OF POSITIONS  
**POLICY:** BACKGROUND CHECKS  
**POLICY NO:** 503  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy concerning background checks.

**STATEMENT OF POLICY:** All employees applying for any position with the Town of Fountain Hills will be subject to reference checks with former employers and/or managers. Unless required by law, reference checks will not be shared with the potential employee. The position an individual applies for and the information he/she gives during the interview process will determine which contingencies may apply to an offer of employment. Individuals who claim to have certain educational credentials, either in writing or in an interview, are subject to verification.

Any individual offered a position that has responsibility for initiating or affecting financial transactions may be required to submit to a credit check. These responsibilities could include, among other things, collecting or handling cash or checks, writing checks or approving them, access to a direct money stream, or being a fiduciary to the organization.

Any potential employees who will be driving a Town vehicle or driving their personal vehicles on company business will be subject to an inspection of their Motor Vehicle Records annually. Depending on the job requirements, some employees may have to comply with the Department of Transportation requirements for a Commercial Drivers License.

All potential employees are subject to a criminal background check. Only individuals in Human Resources, who are authorized to do so, may initiate or receive a criminal background check.

Information gained from any of the above background checks will be held in confidence and shared with management individuals only on a need-to-know basis, unless the law otherwise requires.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CLASSIFICATION  
**POLICY:** FLSA EXEMPT/NON-EXEMPT CLASSIFICATIONS  
**POLICY NO:** 601  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines that ensure compliance with the Fair Labor Standards Act (FLSA).

**SCOPE:** The Town of Fountain Hills takes appropriate action to ensure compliance with the Fair Labor Standards Act. All employees are identified as exempt from coverage or non-exempt from coverage as provided by law and in accordance with prescribed FLSA guidelines.

FLSA-EXEMPT employees are not entitled to overtime pay. An employee who meets either the 'long test' or the 'short test' for executive, administrative, or professional employment may be classified as exempt. The short tests are outlined below:

**SHORT TEST FOR EXECUTIVE EMPLOYEES**

An executive employee must meet all of the following requirements to be exempt:

1. Compensation: Is paid on a salary basis at least \$455 per week, exclusive of board, lodging or other facilities.
2. Duties: Primarily management of the agency, department, or subdivision.
3. Supervision: Customarily and regularly directs the work of two or more other full-time employees and has the authority to hire and fire or has significant input into hiring and firing decisions.

**SHORT TEST FOR ADMINISTRATIVE EMPLOYEES**

An administrative employee must meet all of the following requirements to be exempt:

1. Compensation: Is paid on a salary basis at least \$455 per week exclusive of board, lodging or other facilities.
2. Duties: Primarily performance of office or non-manual work directly related to the management or general business operations of the employer.
3. Responsibilities: Primary duty includes work requiring the exercise of discretion and independent judgment with respect to matters of significance.

**SHORT TEST FOR PROFESSIONAL EMPLOYEES**

1. Compensation: Is paid on a salary basis at least \$455 per week, exclusive of board, lodging or other facilities.

2. Duties: Primarily consist of performing work requiring advanced knowledge predominantly intellectual in character.
3. Discretion: Work requires the consistent exercise of discretion and judgment in a field of science or learning following specialized intellectual instruction.

FLSA-NON-EXEMPT employees are entitled to minimum wage, and overtime pay.

Positions within the Town may be changed from one category to another as the requirements of the law change or as the nature and scope of duties and responsibilities of a particular job change.

Existing and newly established positions will be evaluated and assigned to the appropriate category by the Human Resources Administrator.

### **OVERTIME COMPENSATION**

The primary implication of assignment of a particular position to either exempt or non-exempt status involves determination of eligibility for overtime compensation.

#### 1. Non-exempt

Overtime compensation for non-exempt employees is defined and administered in the following manner:

The Town generally compensates for overtime through the payment at a rate of one-and one-half hour for each hour of work for which overtime compensation would be required under the FLSA.

Holiday time will be included as time worked in the computation of overtime. Sick time, vacation time, personal time, standby time, jury duty, military leave, bereavement leave, etc., are not counted toward hours worked during a week. Thus an employee may be paid for more than forty hours during the week and not receive overtime compensation.

Overtime must be scheduled and approved by the responsible supervisor.

#### 2. Exempt

Salaried employees whose work meets established FLSA criteria may be classified as exempt. Situations in which exempt employees are required to work more than forty hours shall not normally result in additional compensation.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CLASSIFICATION  
**POLICY:** EMPLOYEE CLASSIFICATIONS  
**POLICY NO:** 602  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To classify employees into one of three categories for eligibility to receive certain benefits offered by the Town of Fountain Hills.

**STATEMENT OF POLICY:** Employees fall into one of these categories:

1. **FULL-TIME** – An employee who is normally scheduled to work forty (40) hours per week for fifty-two (52) weeks per year.
2. **PART-TIME** – An employee who is expected to establish a continuity of service, but is scheduled for less than forty (40) hours per week and/or less than fifty-two (52) weeks per year. A part-time employee is expected to work more than twenty-six (26) weeks per year.
3. **TEMPORARY (or SEASONAL)** – An employee who is hired for a specific period of time and is not expected to establish a continuity of service. It is expected that an employee should not remain in temporary job status longer than six (6) months.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CLASSIFICATION  
**POLICY:** CALL-BACK PAY  
**POLICY NO:** 603  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish conditions under which Town employees are eligible to receive compensation for providing emergency type services during nonscheduled work hours.

**STATEMENT OF POLICY:** Under specific circumstances and controlled conditions, employees in the interest of public safety or protection of property may receive compensation in the form of Call-Back Pay for hours worked outside of normally scheduled work hours.

**SCOPE:** All FLSA non-exempt Town employees whose specialized skills and abilities qualify them to perform emergency type services to protect public safety and property outside of non-scheduled work hours.

**PROCEDURE:**

1. Eligibility

- a. Call Back Pay applies to FLSA non-exempt Town employees who are called back to work outside of their regularly scheduled hours for emergency type work.
- b. Scheduled attendance to perform tasks during weekend and/or holiday hours is not eligible for Call-Back Pay.

2. Assignment

Call Back Pay does not apply when:

- a. The employee is still on the clock and additional work is assigned that will extend their regular workday, in which case normal overtime may apply.
- b. The employee works overtime hours that were planned in advance (i.e. scheduled overtime).
- c. The employee requests the opportunity to work additional hours outside of their normal scheduled shift, in which case normal overtime may apply.
- d. The employee's call-back hours overlap their regular work schedule as a result of the employee's request to leave work early, thereby substituting the time worked for his/her regularly scheduled shift. These hours are not considered call-back, but are compensated as regular hours worked.

3. Compensation

- a. An employee who is called back to work to perform services, will be compensated for a minimum of two (2) hours or for the amount of time worked, whichever is greater.

- b. Travel time to and from the work site is not compensable under Call Back Pay status; only hours actually worked.
- c. An employee shall not be considered on more than one (1) Call-Back Pay status at any given time.
- d. Subsequent calls received to perform services within two (2) hours of the start time of the initial call, will be compensated as an extension of the initial call; not as a new call with another two (2) hour minimum.

Example 1: First call received at 9:00 am  
First call completed at 9:30 am  
Second call received at 9:50 am  
Second call completed at 10:30 am

In Example 1, the employee will be compensated for two (2) hours. The second call was received within the two (2) hour window of the first call. Therefore, the second call will be compensated as an extension of the first call received.

Example 2: First call received at 9:00 am  
First call completed at 9:30 am  
Second call received at 11:15 am  
Second call completed at 12:00 pm

In Example 2, the employee will be compensated for four (4) hours. The second call was received two (2) hours and fifteen (15) minutes after the initial first call. Therefore, the second call will be compensated as a separate additional call with the two (2) hour minimum applicable to both calls.

Example 3: First call received at 9:00 am  
First call completed at 9:30 am  
Second call received at 10:00 am  
Second call completed at 12:30 pm  
Third call received at 1:00 pm  
Third call completed at 2:00 pm

In Example 3, the employee will be compensated for five (5) hours and thirty (30) minutes. The second call was received within the two (2) hour window of the first call. The second call will be compensated as an extension of the first call received. However, the third call was four (4) hours after the initial first call. The third call will be compensated as a separate additional call with the two (2) hour minimum applicable.

Payment for call-back hours will be made on regularly scheduled pay days and will not be paid in advance.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CLASSIFICATION  
**POLICY:** STAND-BY DUTY (ON-CALL)  
**POLICY NO:** 604  
**EFFECTIVE:** April 20, 2009  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a Town-wide policy for Stand-by Duty that acknowledges and compensates employees for emergency type services during non-scheduled work hours for which an employee remains available to respond.

**STATEMENT OF POLICY:** Under specific circumstances and controlled conditions, employees in the interest of public safety or protection of property may be required to be placed on stand-by for duty.

**SCOPE:** All non-exempt Town employees whose specialized skills and abilities qualify them to perform or coordinate emergency type services to protect public safety and property during non-scheduled work hours.

**PROCEDURE:**

**1. Eligibility:**

- a. Stand-by Duty is restricted to those employees qualified to perform specialized emergency services.
- b. Scheduled attendance to perform tasks during weekend and/or holiday hours is not eligible for Stand-by Duty Pay.
- c. In cases of Town emergency or need, employees may be contacted to work during their off hours. Employees who are called in, and are not on Stand-by Duty status, are not eligible for Stand-by Duty Pay. These hours will be calculated under Call-back Pay status.

**2. Assignment:**

- a. The responsible Department Supervisor shall maintain a stand-by roster of qualified personnel (capable of performing specialized emergency services that may be required) to serve on Stand-by Duty.
- b. Stand-by duty shall be allocated fairly amongst qualified employees as follows:
  - i. First – on a rotational basis, qualified employees who volunteer to be put on Stand-By Duty.
  - ii. Second – If there is an insufficient number of qualified employees to volunteer, qualified staff members will be assigned to cover required hours on a rotational basis.
- c. Stand-By Duty shall be scheduled and assigned in advance.
- d. While assigned to Stand-By Duty employees shall maintain a physical readiness to respond to emergency call situations and be capable of performing safety-sensitive functions.

- e. While assigned to Stand-By Duty employees shall maintain a physical proximity to the applicable Department building that allows for no more than a thirty (30) minute response time for call to duty.
- f. Employees while assigned to Stand-By Duty shall remain accessible at all times by pager and/or by telephone.
- g. Exchanging Stand-By Duty assignments – Employees may exchange stand-by weeks/days assignments with supervisory approval.

### **3. Compensation**

- a. Stand-by Duty employees will be paid one (1) hour of pay for each regular scheduled workday and two (2) hours of pay for each non-scheduled workday while on-call. These hours begin after the completion of the workday and continue until resuming work the following workday. Employees are not eligible for on-call pay during hours that they are scheduled to work (including weekends and holidays). Employees are not eligible for on-call pay unless they have been formally scheduled for coverage. Typically, no more than one employee per service area should be scheduled for an on-call assignment.
- b. An employee on Stand-By Duty, who is called to perform services, will be compensated for a minimum of two (2) hours at 1.5 times their hourly rate.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** CLASSIFICATION  
**POLICY:** JOB SHARING  
**POLICY NO:** 605  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish conditions under which Town employees are eligible to work in a job share position.

**STATEMENT OF POLICY:** In order to accommodate the needs of our employees, the Town of Fountain Hills will permit some employees in specific positions to job share. The supervisor and Human Resources will determine whether a specific job may be effectively performed by two individuals and whether both individuals can effectively work in a job sharing arrangement.

**SCOPE:** Some positions within the organization, by their very nature, cannot be shared. For example, positions that require the supervision of other employees usually cannot be shared since it is an integral part of the position for the supervisor to establish a one-on-one coaching relationship to assist employees in their growth and development.

**PROCEDURE:** Employees interested in job sharing should discuss with their supervisor whether job sharing is an option in their current position. If the supervisor agrees, the employee and supervisor should meet with Human Resources in order to draft an agreement that permits two employees to job share and to discuss benefit eligibility consequences (See “Eligibility for Benefits” #902). That Agreement will need to be signed by both employees, the employee’s supervisor, and Human Resources. The Agreement will include:

1. the hours and days each employee must be present in the workplace;
2. the work equipment that will be necessary for the employees to job share;
3. the performance expectations for the job; and
4. the reporting requirements for the job under a job share arrangement.

As with all employment, the Town of Fountain Hills reserves the right to revise or rescind this agreement at any time for any reason or no reason at all.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** WAGE AND SALARY ADMINISTRATION  
**POLICY:** WAGE AND SALARY ADMINISTRATION  
**POLICY NO:** 701  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy governing the creation and maintenance of a wage and salary plan for Town positions.

**STATEMENT OF POLICY:** The Human Resources Administrator, with approval from the Town Manager, develops, maintains, and modifies, as necessary, a non-discriminatory, uniform and equitable wage and salary plan.

**SCOPE:** The wage and salary plan applies to all Town positions that have been approved and budgeted by the Town Council, with the exception of Elected Officials.

**PROCEDURE:**

Town positions are allocated to a class, or group of positions having similar duties, levels of skill, and responsibilities based on the position descriptions developed within each department. The group of positions allocated to a common class is then assigned a single pay range within the Town's compensation plan.

Department Heads shall be responsible for informing the Human Resources Administrator in writing of changes in a position's duties/responsibilities in their office or department that might possibly affect the classification of such a position.

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

If any Department Head desires that a position be reviewed for a possible reclassification, they will forward a request to the Human Resources Administrator, including the following information:

A memo stating what factors or duties of the position have changed, the reason for change, and the potential impact of the reclassification, if any, on other positions.

Upon receipt of the above documentation, the Human Resources Administrator shall review the information provided. Additional information and/or a position audit may also be required. Following the position review, the Human Resources Administrator shall evaluate the position and determine the proper class allocation

A reclassification may result in one of four actions: (1) no change; (2) a change in classification with no change made to pay grade; (3) change in pay grade upward; (4) change in pay grade downward. If a classification action results in a change in pay grade, the corresponding change in the incumbent's salary will be to the new grade at their current pay rate or at entry level of the new grade, whichever is higher. If a classification results in a change of range upward, the requesting department will be responsible for funding the increase to include additional funds that are necessary in the budget request for subsequent increases. Requests for any additional funding in current or future budget years must be transmitted to the Finance

Department for review and forwarding to the Town Manager for action by the Town Council as may be required.

Effective dates for classification changes will follow conclusion of a classification review/study and shall not be made on a retroactive basis.

### **Job Evaluation**

Job evaluation is a system used to determine the relationship of each job relative to all other jobs in the Town without regard to the incumbent in the position. The Town Manager is responsible for selecting the method of job evaluation.

### **Pay Structure**

The Human Resources Administrator is responsible for establishing a pay structure, as approved by the Town Council, based upon job evaluation results. Each position is assigned a pay range and advancement within the pay range shall be contingent upon the available funds and budget requirements of the Town and based upon the employee's performance.

### **Starting Pay**

Initial appointment to a position shall be made at the minimum salary level for the position unless the Town Manager determines that entry at a higher level is desirable for a particular applicant. This decision shall be based on the outstanding and unusual character of the applicant's experience, education, and ability over and above the normal minimum qualifications specified for the position

### **Promotions**

Employees may be promoted up to the mid-range of the applicable job grade as long as the candidate has extensive experience which he/she brings to the position. If the employee is already being paid more than the mid-range of the new range a promotional increase may be given at the discretion of the Town. All promotional appointments require written Town Manager approval.

### **Transfers/Demotions**

A transfer is defined as a change in the assignment of an employee from one position to another position in the same range of pay. An employee who is transferred will be compensated at the same rate as for his/her previous position.

A demotion is defined as a move to a job in a lower salary grade. An employee who is demoted either voluntarily or as a disciplinary measure will be compensated at the equivalent rate on the new pay range.

### **Merit Awards**

Such an increase is an award for employee performance that meets or exceeds standards set by the department and evaluated on the Town performance appraisal form. Merit increases shall not be granted if the increase would cause the individual to exceed the maximum pay established for their class (refer to annual budget).

It shall be the responsibility of the Town Manager or Department Head to ensure that employees receive performance evaluations at the appropriate intervals for the purpose of merit increases. The evaluation is required regardless of a change in supervisory personnel.

1. The first merit increase eligibility date shall follow successful completion of an employee's original introductory period.
2. The date that an employee attains regular status in the class by successful completion of the introductory period becomes the employee's annual evaluation date, which shall be the date the employee shall be eligible for future annual merit consideration.
3. On the date that an employee successfully completes a promotional introductory period in a new class, the employee may be eligible for merit consideration and that date becomes the employee's new evaluation date.
4. Evaluation date and merit eligibility may also be affected by terms of demotion or reduction in classification due to layoff.
5. Absence of an employee on authorized leave without pay for more than 30 calendar days during a promotional introductory period shall result in extension of the promotional introductory period by an equivalent amount.
6. If the necessary documentation has not been completed in a timely fashion to allow for the granting of a merit increase on the first pay period falling on or after the evaluation date, the employee will receive the increase retroactive to the date upon which they were eligible.

### **Cost of Living Adjustments**

Cost of living adjustments may be given with the approval of the Town Council. Cost of living adjustments are not automatic and are based upon the Town's ability to fund such increases.

An employee whose job classification is in the Pay Plan is to be eligible for a cost of living adjustment for the fiscal year authorized by the Town Council.

Cost of living adjustments shall not be granted if the increase would cause the individual to exceed the maximum pay established for their class.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** WAGE AND SALARY ADMINISTRATION  
**POLICY:** PAY PERIOD  
**POLICY NO:** 702  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

A pay period consists of two weeks or eighty (80) hours. Employees are paid bi-weekly on a Thursday. New employees should be advised by their supervisor when they can expect to receive their first payroll check. Due to payroll processing time, all hours worked by employees through the Sunday prior to the payroll date will be included on that payroll check. Should a payday fall on a holiday, checks will be issued the workday before the holiday.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** INTRODUCTORY PERIOD  
**POLICY:** INTRODUCTORY EMPLOYMENT PERIOD  
**POLICY NO:** 801  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a period of time which shall be regarded as part of the orientation period utilized for training and critiquing the employee's work habits, skill level, and suitability for continued employment in their assigned position with the Town.

**STATEMENT OF POLICY:** The provisions contained in this Policy relating to notices required before demotion, suspension, or dismissal of a regular status employee shall not apply to introductory employees; as their positions are classified as Uncovered.

Several informal, but detailed, communication and feedback sessions are to be made throughout an introductory period so that the employee will have a clear understanding and direction, with ample opportunity to make corrections as necessary. This is also a time for encouragement, support, and reinforcement from the immediate supervisor and Department Head.

Prior to the conclusion of the introductory employment period, a formal performance evaluation will be completed which becomes a part of the employee's personnel file in the Human Resources Department. The employing department will make a decision whether to retain the employee, extend the introductory period, or terminate the employee, based on work performance. This determination must be clearly stated in the performance evaluation. Every effort shall be made to complete performance evaluations by the supervisor on prescribed forms not earlier than ten (10) working days prior to the evaluation due date, and not later than ten (10) working days after the evaluation due date.

**SCOPE:** Introductory period for all full-time employees is defined as the first six (6) months. Introductory period for all part-time employees is defined as the first 1040 hours worked.

**PROCEDURE:**

**Introductory Periods**

1. **Initial Introductory Period:** All full-time and part-time employees will be placed in an initial introductory period following their initial date of hire.

Upon successful completion of the initial introductory period and in accordance with the provisions of this Policy, the employee shall achieve regular status in Town employment, and given merit increase consideration based on performance. Merit increases will only be awarded to Town employees as Town budget dollars are appropriated.

Full-time and eligible part-time employees are eligible to begin utilizing accrued vacation, personal or PTO time after satisfying six (6) months of their initial introductory period.

During the initial introductory period, an employee may be dismissed, suspended or demoted by the Town Manager. Dismissal during the initial introductory period shall be defined as an introductory release and shall not be considered a dismissal for cause.

Initial introductory employees may be subject to a pay reduction by the Town Manager.

2. **Promotional Introductory Period:** A promotion is defined as the movement of an employee to a position in a higher salary grade than the one presently assigned to, and one for which the new duties and responsibilities are significantly increased in nature and scope. Employees will be placed in a promotional introductory period following the effective date of their promotion with a time frame as defined above. Employees shall be provided written notice of the introductory period.

Upon successful completion of a promotional introductory period and in accordance with the provisions of this Policy, the employee shall be given merit increase consideration based on performance. This date becomes the employee's new evaluation date for merit review consideration.

A promoted employee who is **not** successful in completing an introductory period may be eligible for demotion to a vacant position for which they meet the minimum qualifications. A determination by the Department Head that the employee's performance was not satisfactory shall be sufficient cause for demotion.

3. **Demotion Introductory Period:** A demotion is defined as the movement of an employee to a position in a lower salary grade than the one presently assigned to, and one for which the new duties and responsibilities are significantly decreased in nature and scope. Employees will be placed in an introductory period following the effective date of their demotion with a time frame as defined above. Employees shall be provided written notice of the introductory period.

A demoted employee who successfully completes a demotion introductory period is **not** eligible for merit increase consideration at the conclusion of the period.

The Regular Status of an employee serving a demotion introductory period shall not be affected. However, an employee demoted for disciplinary reasons, who unsuccessfully completes a demotion introductory period, shall be dismissed.

Failure to meet the requirements of the position to which the employee is demoted or to successfully complete the demotion introductory period shall constitute a sufficient factual basis for further discipline, up to and including termination.

4. **Lateral Transfer Introductory Period:** A lateral transfer is defined as the movement of an employee to a position in the same salary grade as the one presently assigned. Employees will be placed in an introductory period following the effective date of their transfer with a time frame as defined above. Employees shall be provided written notice of the introductory period.

A formal performance evaluation will be conducted documenting the conclusion of this introductory period and become part of the employee's official record in the Human Resources Department.

A laterally transferred employee who successfully completes an introductory period is **not** eligible for merit increase consideration at the conclusion of the period.

A laterally transferred employee whose performance falls below acceptable levels at the end of their introductory period may be returned to their former position or another similar position for which they qualify, if vacant.

The Regular Status of an employee serving a lateral transfer introductory period shall not be affected.

### **Alternatives to Regular Status**

A Department Head may request authorization for an introductory period to be extended longer than the applicable period as defined within this Policy to further assess an employee's work performance and suitability for continued employment. A request to extend an introductory period must be in writing and approved by the Town Manager. Introductory extensions are not to exceed two times (2x) an individual's applicable introductory period.

Any type of leave time taken (i.e., vacation, sick, etc.) or while drawing compensation under Worker's Compensation, in excess of five (5) consecutive calendar days shall not be credited toward the introductory period and the employee's introductory period shall be extended the length of time equal to the time taken.

### **Rehire**

An employee who is terminated from Town employment and rehired, shall be required to serve an initial introductory period upon re-employment, unless otherwise waived by the Town Manager.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** HEALTH & WELFARE BENEFITS  
**POLICY NO:** 901  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

Once employees have met the appropriate eligibility requirements, they may be eligible to participate in the plans described below. This is merely a summary. More detailed information about each plan can be found in the plan documents maintained in Human Resources and the summary plan descriptions (SPDs). SPDs are the official documents regarding employee benefit plans and supersede all references to employee benefits in this manual.

Medical Insurance	First of the month following 30 days of continuous employment
Dental Insurance	First of the month following 30 days of continuous employment
Life Insurance	First of the month following 30 days of continuous employment
Long Term Disability Insurance	First of the month following 30 days of continuous employment
Short Term Disability Insurance	First of the month following 30 days of continuous employment
Dependent Life Insurance	First of the month following 30 days of continuous employment
Flexible Spending Accounts	First day of employment
Employee Assistance Program	First of the month following 30 days of continuous employment
Retirement Plan (401A)	First day of employment
Deferred Compensation Plan (457)	First day of employment

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** ELIGIBILITY FOR BENEFITS  
**POLICY NO:** 902  
**EFFECTIVE:** October 7, 2004  
**REVISED:**

An employee's eligibility to participate in the benefits program is determined by the following classifications:

- Full-time employees who are regularly scheduled to work 40 hours per week are eligible for full benefits.
- Part-time employees who are regularly scheduled to work less than 40 hours per week but more than 20 hours per week are eligible for a modified benefits package.
- Temporary (or seasonal) full-time or part-time employees are not eligible for benefits.

The Town of Fountain Hills pays a significant portion of the costs of these benefits for employees. Employee contributions for certain benefits will be deducted from their paychecks on a pre-tax basis. Employees will pay no Federal or State taxes on this amount.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** VACATION LEAVE  
**POLICY NO:** 903  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish the means by which Town of Fountain Hills employees may earn and use vacation leave and to provide for the compensation of unused vacation leave upon separation from Town service.

**STATEMENT OF POLICY:** Vacation leave is part of the integrated program of benefits for Town employees. Such leave is intended as a necessary break from normal duties to allow employees to engage in outside recreational activities as a means of achieving and sustaining high levels of productivity during regularly scheduled duty.

**SCOPE:** All full-time Town employees accrue vacation leave hours. Part-time employees who work a minimum of 20 hours per week on a regular scheduled basis accrue Paid Time Off (PTO). Temporary and seasonal employees do not earn vacation leave or PTO. (See “Eligibility for Benefits” - Policy # 902).

The amount of vacation time and PTO employees receive each year increases with the length of their employment. Vacation time and PTO begin to accrue with the employee’s first full bi-weekly pay cycle, subject to the following:

Upon completion of six (6) months of actual service, each full-time employee shall be credited with up to fifty-two (52) hours of vacation and shall accrue vacation thereafter at the rate specified in this policy. Upon completion of six (6) months of actual service, eligible part-time employees shall be credited with up to twenty-six (26) hours of PTO and shall accrue PTO thereafter at the rate specified in this policy.

**ACCRUAL RATE – FULL TIME EMPLOYEES:**

<b>Length of Service</b>	<b>Hours per Pay Period</b>	<b>Hours per year</b>
Start date through completion of 3 <sup>rd</sup> year	4.00	104
4 <sup>th</sup> year through completion of 7 <sup>th</sup> year	5.00	130
8 <sup>th</sup> year through completion of 10 <sup>th</sup> year	6.00	156
11 <sup>th</sup> year through completion of 15 <sup>th</sup> year	7.00	182
16 + Years	8.00	208

Full-time employees who have completed seven (7) years of continuous service will be allowed to accrue a maximum of one hundred seventy-six (176) hours of vacation. Full-time employees who have completed between seven (7) and fifteen (15) years of continuous service will be allowed to accrue a maximum of two hundred (200) hours of vacation. Full-time employees who have completed fifteen (15) years or more of continuous service will be allowed to accrue a maximum of two hundred twenty-four (224) hours of vacation.

**ACCRUAL RATE – PART-TIME EMPLOYEES:**

<b>Length of Service</b>	<b>Hours per Pay Period</b>	<b>Hours per Year</b>
Start date through completion of 3 <sup>rd</sup> year	2.00	52
4 <sup>th</sup> year through completion of 7 <sup>th</sup> year	2.50	65
8 <sup>th</sup> year through completion of 10 <sup>th</sup> year	3.00	78
11 <sup>th</sup> year through completion of 15 <sup>th</sup> year	3.50	91
16 + Years	4.00	104

Part-time employees who have completed seven (7) years of continuous service will be allowed to accrue a maximum of eighty-eight (88) hours of PTO. Part-time employees who have completed between seven (7) and fifteen (15) years of continuous service will be allowed to accrue a maximum of one hundred (100) hours of PTO. Part-time employees who have completed fifteen (15) years or more of continuous service will be allowed to accrue a maximum of one hundred twelve (112) hours of PTO.

All vacation leaves and PTO are to be taken at the convenience of the department and shall be approved in writing, or through automation, by the supervisor or his/her designee. It is the responsibility of the employee to schedule his/her vacation time or PTO in compliance with departmental workloads and needs. Requests for vacation time or PTO should be submitted to the supervisor as far in advance as possible. Employees may be recalled from vacation leave or PTO, or may have their scheduled vacation leave or PTO postponed, when deemed necessary by the department director. When an employee is recalled from vacation leave or PTO, the employee’s vacation leave or PTO will be rescheduled to the earliest convenient time. Employees will be permitted to use vacation leave or PTO in incremented units of one-half (1/2) hour or more, in any one day. Vacation time or PTO shall not be advanced to an employee nor may vacation time or PTO be transferred between employees.

Vacation time and PTO will not accrue for workweeks in which there are no hours paid by the Town of Fountain Hills. If the employee has an accrued vacation or PTO balance, the vacation time or PTO must be paid out before any unpaid time off is approved. Vacation hours or PTO must be used for sick leave if accrued sick leave hours have been exhausted. Neither vacation hours nor PTO will count toward hours worked for purposes of computing overtime.

If a holiday falls within an employee’s vacation or PTO, the employee will not be charged with vacation or PTO hours for the holiday, but will be paid for the holiday at the appropriate holiday rate.

**Separation of Employment**

Awarded vacation leave hours or PTO will be paid at the employee’s regular hourly rate upon separation of employment.

No more than the maximum allowable accrual of vacation leave is compensable upon separation of employment. Vacation leave or PTO accrued during the initial introductory employment period (six months) will not be compensated if separation occurs during the initial introductory period.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** HOLIDAYS  
**POLICY NO:** 904  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To provide a policy for Town employees setting forth paid holidays and to implement a system to increase the flexibility for employees to utilize their holiday compensation.

**STATEMENT OF POLICY:** The annual holiday leave bank for each full-time, regular employee is 80 hours. The Town of Fountain Hills observes holidays as identified below:

- |  |                             |
|--|-----------------------------|
| 1. New Year's Day                          | January 1                   |
| 2. Martin Luther King, Jr/Civil Rights Day | Third Monday in January     |
| 3. President's Day                         | Third Monday in February    |
| 4. Memorial Day                            | Last Monday in May          |
| 5. Independence Day                        | July 4                      |
| 6. Labor Day                               | First Monday in September   |
| 7. Veteran's Day                           | November 11                 |
| 8. Thanksgiving Day                        | Fourth Thursday in November |
| 9. Day after Thanksgiving                  | Fourth Friday in November   |
| 10. Christmas Day                          | December 25                 |

**SCOPE:** When any of the holidays listed above falls on a Sunday, the following Monday shall be observed as a holiday; if any such holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. For staff members on a seven-day standard workweek schedule, a holiday falling on a Saturday or Sunday is observed on that day.

On any other day or part of a day during which the Town shall be closed by special proclamation of the Mayor, with the approval of the Town Council, employees shall be eligible for additional holiday pay if they are normally scheduled to work that day.

**ACCUMULATION OF HOLIDAY LEAVE:**

- a. The annual holiday leave bank for each full-time, regular employee is 80 hours. For purposes of this policy, the holiday will be defined as the 24 hour period (12:00 AM – 11:59 PM) on the designated holiday. All part-time employees normally scheduled to work on a day that falls on a designated holiday shall be compensated up to ten (10) hours of holiday pay. Temporary and seasonal employees are not eligible for holiday compensation or holiday differential pay.
- b. The leave banks will be populated during the first payroll in January. New hires will receive a prorated number of hours based upon their hire date.

## **USE OF HOLIDAY LEAVE:**

- a. If a designated holiday falls on a scheduled work day, employees will be required to use their holiday leave to cover their scheduled work hours. Employees required to work on a designated holiday due to business need, or who are not scheduled to work on a designated holiday, will not be required to utilize their holiday leave. If an employee works a partial day, he/she shall utilize holiday bank hours to cover hours not worked. Any holiday leave hours not used for designated Town holidays shall be considered floating holiday leave.
- b. Floating holiday leave shall be approved to be used at such a time that is mutually agreeable to the employee and the employee's supervisor. Holiday leave will not be available for use on an unplanned or call-in basis.
- c. Holiday leave must be used in full day increments, unless you work a partial day on a designated holiday. A full day will be considered the number of hours scheduled for the day that the leave was taken (e.g. employee was scheduled to work ten hours on a holiday, ten hours of holiday pay would be utilized). In the event that the employee does not have enough holiday hours in her/his bank to cover a full day's absence, vacation hours will be used to make up the difference.
- d. In the event that a non-exempt employee does not have either holiday hours or vacation hours to cover a designated holiday, they will not be paid for that holiday.
- e. Holiday hours must be used by December 31 of each year or will be forfeited. There will be no "cash out" or carryover of holiday hours.
- f. All holiday hours not taken prior to the last day of employment with the Town shall be forfeited.

## **HOLIDAY COMPENSATION:**

- a. Holiday hours will count toward hours worked for purposes of overtime for hourly employees.
- b. In the event an employee is on paid leave when a holiday occurs, the employee shall receive no pay in addition to holiday pay. Therefore, the employee shall not be charged with applicable paid leave time (i.e. vacation or sick leave) for that day.
- c. An employee must be in an authorized paid status on the working day immediately preceding the holiday and the working day immediately following the holiday in order to receive pay for the particular holiday.
- d. Non-exempt employees required to work on a scheduled holiday will be paid holiday pay plus their regular rate of pay for each hour worked (equals 2X their regular hourly rate of pay).

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** SICK LEAVE  
**POLICY NO:** 905  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish the means by which Town of Fountain Hills employees may earn and use sick leave and to provide for the compensation of unused sick leave upon separation from Town service.

**STATEMENT OF POLICY:** Sick leave is part of the integrated program of benefits for Town employees. Such leave is intended for use only under specific conditions as set forth in this policy.

**SCOPE:** All full-time Town employees are eligible to earn sick leave for each hour in a paid status. Part-time employees who work a minimum of 20 hours per week on a regularly scheduled basis accrue Paid Time Off (See Policy 903 – Vacation Leave). Temporary and seasonal employees do not earn sick leave or PTO.

**PROCEDURE:** Sick leave is earned from the first day of employment. Use of sick leave and PTO (solely for sick leave purposes) is permitted during the initial introductory employment period with the Town. Full-time employees will earn sick leave at the rate of 4.0 hours biweekly. Sick leave is earned for hours worked or in a paid status. Accumulation of sick leave shall not exceed 960 hours for full-time employees.

Use of sick leave hours or PTO for sick leave purposes shall not be considered a right but rather a privilege and shall be allowed only under the following conditions:

1. Personal illness or physical incapacity resulting from causes beyond the control of the employee.
2. Medical or dental appointments of the employee.
3. Through exposure to contagious disease and possible endangering of others on duty, a physician certifies that the employee's presence jeopardizes the health of others.
4. To attend to a person who is a continuous resident in the employee's immediate household, whose illness or physical incapacity requires the employee's presence.

Any employee who abuses sick leave or PTO for sick leave purposes will be subject to disciplinary action. Actions that may lead to disciplinary action include, but are not limited to, falsifying illness or reasons for using leave, unsubstantiated excessive use and not complying with the authorization requirements above. The Town of Fountain Hills sets a standard of more than five (5) sick incidents per year to be excessive. Consecutive days of illness are counted as one incident.

Employees will be permitted to use sick time or PTO in incremented units of one-half (1/2) hour or more, in any one day. Sick time or PTO shall not be advanced to an employee nor may sick time or PTO be transferred between employees.

If the employee has an accrued sick or PTO balance, the sick time or PTO must be paid out before any unpaid time off is approved. Neither sick leave hours nor PTO will count toward hours worked for purposes of computing overtime.

Employees with 10+ years of continuous full-time service who have a minimum of 480 banked sick time hours will qualify for a payout of 240 hours upon separation of service for any reason other than involuntary termination. Employees with 15+ years of continuous full-time service who have a minimum of 720 banked sick time hours will qualify for a payout of 480 hours upon separation of service for any reason other than involuntary termination. Sick leave will not be paid out at separation of service under any other circumstances.

Sick leave will not accrue for any payroll period during which an employee is absent for more than six (6) working days, except for absences during which the employee is being paid for accrued vacation time, personal time, sick time, and holidays. Sick leave should be treated as a form of insurance and not as extra days off from work.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** MILITARY LEAVE  
**POLICY NO:** 906  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To provide for military duty in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Arizona law.

**SCOPE:** This policy applies to all Town employees.

**STATEMENT OF POLICY:** The Town of Fountain Hills will grant a military leave of absence to employees who are absent from work because they are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees must give their supervisors advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

An employee's salary will not continue during military leave unless required by law. However, an employee may use any available accrued paid time off, such as vacation or sick leave, to help pay for the leave. Reservists in any branch of the Armed Forces and members of the National Guard will be granted time off for military training. Such time will not be considered vacation time. However, employees may also elect to have their training duty period be considered as vacation time to the extent they have such time available.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

If an employee is on military leave for up to 30 days, he/she must return to work on the first regularly scheduled work period after service ends (allowing for reasonable travel time). If an employee is on military leave for more than 30 days, he/she must apply for reinstatement in accordance with USERRA and applicable state laws.

Employees returning from military leave (depending on the length of military service in accordance with USERRA) will be placed either in the position they would have attained if they had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, employees will be treated as if they had been continuously employed.

Questions about military leave should be direct to the Human Resources Administrator.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** PERSONAL LEAVE (OPTIONAL)  
**POLICY NO:** 907  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Town of Fountain Hills provides full-time employees with personal leave time. Full-time employees hired before July 1st are eligible for thirty (30) hours of personal leave time during their first calendar year of employment and 30 hours each year thereafter. Full-time employees hired after July 1st but before October 1 are eligible for twenty (20) hours of personal leave time during their first calendar year of employment and thirty (30) hour of personal leave time each year thereafter. Employees hired on or after October 1st do not receive any personal leave time within the balance of the calendar year, but are to receive thirty (30) hours of personal leave time each year thereafter.

Personal leave time will be deducted from the employee's sick leave balance. If an employee does not have enough hours in their sick leave bank, they will not be eligible for a personal leave. There will be no carryover from year to year of personal days. Terminating employees are not eligible to be paid for unused personal leave time.

Personal leave time must be scheduled in advance whenever possible and approved by the employee's supervisor.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** 401A RETIREMENT PLAN  
**POLICY NO:** 908  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Town of Fountain Hills does not deduct Social Security taxes from full-time benefited employees' paychecks. Instead, the Town of Fountain Hills has a mandatory 401A Retirement Plan. This plan is administered by a registered third party administrator. Eligible employees will contribute 11 % of their gross pay to their retirement account. Employee contributions are not subject to federal and state taxes and may grow tax deferred until paid out, when they will be taxable as ordinary income. All employee contributions are 100% vested. The Town of Fountain Hills will also contribute 11% of the eligible employee's gross pay. The Town's contributions are subject to a vesting schedule as follows:

<b>Years of Vesting Service</b>	<b>% Vested</b>
1 YR.	20%
2 YR	40%
3 YR	60%
4 YR	80%
5 YR	100%

Detailed information concerning the plan is available from Human Resources. The Town of Fountain Hills will provide periodic briefings with a representative of the third-party administrator.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** DEFERRED COMPENSATION  
**POLICY NO:** 909  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Town of Fountain Hills provides an optional deferred compensation plan for all employees. Employees become eligible on their first day of employment. This plan is administered by a registered third party administrator. Employee contributions are not subject to federal and state taxes and may grow tax deferred until paid out, when they will be taxable as ordinary income. All employee contributions are 100% vested. There is no employer match of contributions.

Detailed information concerning the plan is available from Human Resources. The Town of Fountain Hills will provide periodic briefings with a representative of the third-party administrator.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** EMPLOYEE ASSISTANCE PROGRAM  
**POLICY NO:** 910  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Employee Assistance Program (EAP) was established to provide professional, confidential assistance for any type of personal problem. The program is designed to encourage early intervention and awareness of such problems and to offer help at the earliest opportunity. Employees are responsible for their performance and for taking constructive action to resolve any personal problems that affect or threaten to affect their on-the-job behavior. Supervisors are responsible for remaining alert to all instances of substandard work performance and bringing these instances to the attention of the employee, along with an offer of assistance, at the earliest indication of a recurrent problem.

Utilization of the EAP is most times on a voluntary basis. If an employee is referred by a member of management as a condition of continued employment, utilization is mandatory. In the case of mandatory utilization, the only information the Town of Fountain Hills will receive is that the employee is in the program, cooperating, and making his/her appointments. The decision to seek or accept assistance through the EAP will not adversely affect an employee's job security or advancement opportunities. However, participation in the EAP in no way relieves the employee of the responsibility to meet acceptable work performance and attendance standards.

All full-time employees and benefit-eligible dependents are eligible to receive assistance through the EAP. The EAP will not reveal any information that the individual discloses to the EAP except in the following circumstances:

- The employee consents in writing;
- The law requires disclosure; or
- It is believed that life or safety is threatened by nondisclosure.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** MISCELLANEOUS LEAVE WITH PAY  
**POLICY NO:** 911  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a policy for Town employees to provide for leave with pay for Jury Duty, Witness Duty, Voting, Bereavement, and Administrative Leave.

**SCOPE:** This policy applies to all Town employees.

**STATEMENT OF POLICY:**

**Jury Duty/Witness Service** - Full-time, part-time, or temporary employees called to serve on a jury will be paid for the day or days in which the court requires attendance if they were scheduled to work that day. Full-time, part-time, or temporary employees called to testify as a voluntary witness at the request of the Town of Fountain Hills (by subpoena or otherwise) will be paid for the day or days in which the court requires attendance. If employees are subpoenaed to appear in court as witnesses, but not at the request of the Town of Fountain Hills, they will be excused from work in order to comply with the subpoena but will not be paid for the time.

Employees must present any summons to their supervisor on the first working day after receiving the notice. If an employee is not required to serve on a day he/she is normally scheduled to work or if the employee is excused before serving four hours of jury duty, he/she is expected to report to work.

Employees may keep any compensation they are paid for jury duty or witness service. They will be paid their straight time base rate of pay for all hours missed due to jury duty or witness service on behalf of the Town of Fountain Hills in addition to any compensation received from the court. Compensation for witness service will only be paid if the employee is summoned for witness service by the Town of Fountain Hills.

**Voting** – The Town of Fountain Hills encourages its employees to participate in the election of government leaders. Therefore, if an employee does not have sufficient time outside their regular work hours to vote, adequate time off will be allowed at the beginning or end of the workday to exercise this right. If possible, employees should make their requests at least forty-eight (48) hours in advance of Election Day. The employee may wish to inquire of their Registrar of Voters about the possibility of voting by absentee ballot. Every effort should be made to vote either before or after the employee’s normal workday.

**Bereavement Leave** - The Town of Fountain Hills recognizes the need for time away from work in instances of personal loss. Should a death occur in the immediate family of any full-time employee, he/she will be granted a paid leave of absence, not to exceed three (3) days. If employees need time in excess of three days, they may use accrued vacation, PTO, or personal leave time with the approval of their supervisor and the Human Resources Administrator.

Immediate family for the purpose of such leave is defined as spouses, children, stepchildren, grandchildren, parents, grandparents, siblings and in-laws.

Payment for bereavement leave is at the employee's straight time rate of pay. Vacation days, PTO, or personal days may be granted to attend the funerals of other close relatives or friends upon approval by the employee's supervisor. Time off without pay will only be considered if the employee does not have vacation, PTO, or personal days available.

To be eligible for the excused absence and pay provisions of this policy, employees are to request bereavement leave through their supervisor no later than the first scheduled workday following the death of an immediate family member.

The Town of Fountain Hills reserves the right to request all pertinent information including deceased relative's name, the name and address of the funeral home, and the date of the funeral.

**Administrative Leave** - Such leaves with pay are granted by the Town Manager, or designee, in emergency conditions such as weather, fire, or flood; in a declared state of emergency or disaster; or for reasons, either collective or individually, deemed for the good of the Town as determined by the Town Manager.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** LEAVES OF ABSENCE WITHOUT PAY  
**POLICY NO:** 912  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish the conditions under which Town employees may be granted leaves of absence without pay.

**SCOPE:** This policy applies to full-time Town employees in regular classified status.

**PROCEDURE:** Leaves of absence without pay for non-disability reasons will be considered first under the Family and Medical Leave Act (FMLA) Policy (Policy 915). Should the request for leave fail to meet the criteria specified under the FMLA policy, only then will a leave without pay be considered. Generally, a leave without pay shall not exceed two (2) calendar weeks. A longer leave of absence may be granted only under extreme circumstances. Requests for such leave must be made in writing to the employee's immediate supervisor. Requests for leave without pay will not be granted until the employee has exhausted available leave with pay to include vacation, PTO, sick leave, personal leave and FMLA leave. If the immediate supervisor approves the leave, approvals must also be obtained from the Department Head and Town Manager.

Leave of absence without pay may be granted for the following purposes:

1. Education
2. Travel
3. Care of a disabled person
4. Temporary employment by another public agency within the United States, its territories or possessions
5. Religious activities (non-compensated)
6. Peace Corps Duty (special two-year limitations).

Employees on approved leave without pay may elect to continue group insurance coverage while on such leave. Employees on qualifying FMLA leave will continue to pay the employee's share of any health insurance premium. Employees on unpaid leave (but not FMLA) must bear the entire cost and remit both the employee and Town portions of the premiums to the Human Resources Department on a monthly basis. If such payments are not made in a timely manner, coverage will be terminated.

The Town is not obligated to hold the employee's position open while the employee is on leave without pay. However, should the leave without pay be granted under the FMLA policy, that policy will govern the employee's return to work. The position may be filled on a temporary or regular basis. An employee's right to return to a position, either covered or uncovered, in the Town from a leave without pay shall be conditioned on the availability of an appropriate position and sufficient funding.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** TUITION REIMBURSEMENT  
**POLICY NO:** 913  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To provide a means of assistance for Town of Fountain Hills employees to obtain job related education.

**STATEMENT OF POLICY:** The Town of Fountain Hills encourages employees to further their development and skills through continuing education. Employees who meet the eligibility requirements stated herein shall be reimbursed for approved courses, in an approved course of study by an accredited school, college, or university. For purposes of this policy, accredited refers to accreditation provided by a body recognized by the US Department of Education.

The maximum amount of reimbursement is based on an employee's years of service and is subject to availability of appropriate funds on a fiscal year basis. The maximum annual reimbursement amount for undergraduate courses is \$2,000 during the second year of service and \$3,000 during the third year and each year thereafter. The maximum fiscal year reimbursement amount for graduate courses is \$3,000 during the second year of service and \$3,500 during the third year and thereafter. Reimbursable expenditures include tuition only. Administrative fees, laboratory and technical fees, required textbooks, incidental fees such as parking permits, supplies, recreation fees/activity fees are not covered under this plan.

Tuition reimbursement is available to eligible employees pursuing advanced education in a field which is directly related to their duties performed for the Town.

**SCOPE:** All full-time regular post-introductory employees who have completed a minimum of twelve (12) months of paid continuous service.

**PROCEDURE:**

**Definitions:**

1. "Allowable amount" is approved by the Finance Division based upon budgeted funding and the criteria set forth within this policy. The determination of the allowable amount is made prior to the beginning of each academic semester. Funds in excess of those approved in the Town's budget are not expended without prior Town Manager approval.
2. "Fiscal Year" is defined as July 1st through June 30th.
3. "Tuition Year" is determined by the date the course is completed, not when payment is made. Example: A course is completed 6/10/12 and the grade report along with detailed invoices is submitted on 6/26/12. The check for reimbursement is dated 7/5/12. Reimbursement monies are recognized as being reimbursed in prior fiscal year.

**Eligibility Requirements** - Individual courses as well as degree programs (under graduate and graduate) may be considered for assistance under this program if they meet the following requirements:

1. The course must be related to the employee's current job or future career growth with the organization. If a degree program is approved, all courses necessary to obtain the degree are eligible for reimbursement even if the course is not directly related to the employee's job. However, a Tuition Reimbursement Application must be submitted and approved prior to the beginning of each course under the degree program (see Reimbursement below).
2. Courses must be taken from an accredited school, college, or university. Accredited refers to accreditation provided by a body recognized by the US Department of Education.
3. Work schedules are not reduced for participating employees. Courses must be taken outside of the employee's normal work hours.
4. All course homework must be completed during non-scheduled work hours.

**Reimbursement** - To be eligible to receive reimbursement, the following must be satisfied:

1. A completed Tuition Reimbursement Application, including the Department Head's signature of approval, must be provided to the Finance Director prior to registration no less than thirty (30) days prior to the first session of class.
2. The employee must be actively employed by the Town of Fountain Hills in a fulltime status at the time the course is completed and when the employee receives the final grade.
3. The actual amount of reimbursement is dependent on funding availability and total dollar amount requested for reimbursement. Reimbursement will be made upon successful completion of the course (a grade of "C" or better or a "pass" for a pass/fail course).
4. Proof of satisfactory completion and detailed invoices must be submitted to the Finance Director.

**Approvals Required** – All requests for Tuition Reimbursement require the approval of the employee's Department Head.

1. All required approvals must be satisfied prior to registering for or enrolling in requested course(s). Requests received after registration or enrollment are not eligible for reimbursement.

Note: A new Tuition Reimbursement Application must be submitted and approved prior to taking any and all courses for which the employee requests tuition reimbursement, including those that are taken as part of a previously approved degree program.

2. The Town Manager will review the request and approve or disapprove the reimbursement request based on the job-relevance of the request, potential benefit to the Town, and funds available.

Note: A set funding amount is allocated to this program on a fiscal year basis. For that reason, funds are distributed on a "First Come – First Serve" basis at time of application.

**Procedure:**

1. All requests for tuition reimbursement must be submitted on a Tuition Reimbursement Application (see Exhibit 913-A).
2. All requests must include identification of the agency accrediting the college and a description of the course(s). Both of these may be photocopied from the school catalog. For degree programs, a copy of the requirements for the degree must be submitted, including a list of all required courses. As above, a photocopy from the school catalog will generally suffice.
3. Upon final approval or disapproval, a copy of the Application is returned to the requesting employee and Department Head.
4. Upon successful completion of the course, the employee shall re-submit his/her copy of the Application to Human Resources, along with proof of successful completion (grade report) and detailed invoices for reimbursement within thirty (30) days of completion of the class(s).

**Separation from Employment** - It is anticipated that the employee and the Town of Fountain Hills will both benefit from employee development activities and the organization's financial investment in such activities. Consequently, if an employee who has received financial assistance under this program separates from Town employment for any reason within 24 months after receiving reimbursement, an amount is withheld from the final paycheck according to the following schedule:

<b>Date of Separation from Employment</b>	<b>Reimbursement % Withheld</b>
Through 6 months from reimbursement	100%
7 through 12 months from reimbursement	75%
13 through 18 months from reimbursement	50%
19 through 24 months from reimbursement	25%

Tuition reimbursement may be paid prior to completion of requested courses, but only on an exception basis. The employee must furnish an explanation of need that would justify payment in advance, and an affirmative endorsement by the individual's Department Head prior to consideration. Each request for exception will stand on its own merits.

Nothing in this policy, the application for assistance under this program, or any other document shall be construed to imply a contract or term of employment for any period or in any way to modify the employment-at-will relationship between the Town of Fountain Hills and the employee.

**EXHIBIT 913-A**

**TUITION REIMBURSEMENT APPLICATION**

You must meet eligibility requirements and receive all required approvals before registering for or enrolling in course(s) to be approved for tuition reimbursement. (Refer to the Tuition Reimbursement Policy for details)

**SECTION I – PREAPPROVAL FOR TUITION REIMBURSEMENT**

DATE: \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_ DATE OF EMPLOYMENT: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_

**(ELIGIBILITY – Full-Time post probationary employee and completed 12 months of paid continuous service)**

\_\_\_\_\_  
SCHOOL NAME: \_\_\_\_\_

**(ELIGIBILITY – Universities and colleges must be accredited by a body recognized by the US Dept of Education)**

DEGREE PROGRAM: \_\_\_\_\_ MAJOR COURSE OF STUDY: \_\_\_\_\_

ACADEMIC SEMESTER (Circle One): Fall Winter Spring Summer

COURSE TITLE: \_\_\_\_\_ COURSE START DATE: \_\_\_\_\_

**(ELIGIBILITY – Course must be related to the employee’s current job or future career growth with the organization. If a degree program is approved, all courses necessary to obtain the degree will be eligible for reimbursement, even if the course is not directly related to the employee’s job. However, a Tuition Reimbursement Application must be submitted and approved prior to the beginning of each course under the degree program. It is understood that there are repayment provisions if you should leave employment within 24 months of receiving reimbursement.)**

**REQUIREMENT: You must attach identification of the agency accrediting the college and a description of the course(s). Both of these may be photocopied from the school catalog. For degree programs, a copy of the requirements for the degree must be submitted, including a list of all required courses. As above, a photocopy from the school catalog will generally suffice.**

REQUESTED AMOUNT: \$ \_\_\_\_\_

EMPLOYEE’S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

DEPT HEAD’S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TOWN MANAGER’S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

\*\*\*\*\*

**SECTION II – TUITION REIMBURSEMENT REQUEST**

COMPLETION DATE OF ABOVE COURSE: \_\_\_\_\_ GRADE RECEIVED: \_\_\_\_\_

**(ELIGIBILITY – A grade of “C” or higher (“pass” in a pass/fall system) must be attained to receive the reimbursement.)**

TUITION REIMBURSEMENT AMOUNT: \$ \_\_\_\_\_

**REQUIREMENT: Upon successful completion of the course, employee shall resubmit his/her copy of Application, along with proof of successful completion (grade report) and detailed invoices (receipts) to Human Resource for reimbursement.**

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**SECTION III – HR ONLY**

APPROVED REIMBURSEMENT AMOUNT TO EMPLOYEE: \$ \_\_\_\_\_

TOWN MANAGER’S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** TRAINING FUNDING  
**POLICY NO:** 914  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** To maximize the return on investment for Town funded, job-related training outside the scope of the Tuition Reimbursement Policy 913.

**STATEMENT OF POLICY:** The Town seeks to assist employees in obtaining job related training to enhance the personal skills of the employee in areas that are beneficial to Town operations.

**SCOPE:** This guideline applies to all Town employees. Town employees who attend job-related training may, at the discretion of the Town Manager, have some or all of their expenses paid for through Town funds, including travel, accommodations, auto rental, attendance and required material fees, up to a maximum of \$1,500 per fiscal year.

**PROCEDURE:** Employees who attend a training event that costs \$1,000 or more (minus wages, but inclusive of expenses incurred from travel, per diem, lodging, auto rental, attendance and material fees) will be required to sign an agreement stating that if he or she separates voluntarily from Town employment within one year following the conclusion of the training, an amount based upon the total will be withheld from the final paycheck according to the following schedule:

Date of Separation	Percentage Withheld
Up to 90 days following conclusion	100%
91 to 180 days following conclusion	50%
181 to 365 days following conclusion	25%

The original signed agreement will be forwarded to the Human Resources Office for inclusion in the employee's personnel file. Under special circumstances, the repayment requirement provision of this guideline may be waived at the discretion of the Town Manager. Nothing in this policy implies any type of contract with respect to continued employment, or limits the rights of the Town to terminate any individual in accordance with Town policy.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** FAMILY & MEDICAL LEAVE ACT (FMLA)  
**POLICY NO:** 915  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Town of Fountain Hills' family and medical leave policy is available to employees with at least twelve (12) months of service and who have worked at least 1,250 hours within the preceding 12-month period. If eligible, an employee may be able to take up to twelve (12) weeks of unpaid leave during the calendar year (based on a 12-month rolling calendar) for the following reasons:

- The birth of a child or to care for a child within the first 12 months after birth;
- The placement of a child with the employee for adoption or foster care within the first 12 months of placement;
- To care for an immediate family member who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the functions of his/her position.

When requesting leave, the employee must provide his/her supervisor and Human Resources with at least 30 days of advance notice whenever possible. Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided. Because the Town wishes to ensure the well-being of all employees, any employees returning from FMLA for his/her own serious health condition will need to provide a Fitness for Duty statement signed by his/her treating physician. An employee failing to provide a Fitness for Duty statement will not be permitted to resume work until it is provided. Qualifying FMLA leave will not be counted as an absence under the organization's attendance policy.

The Town of Fountain Hills, at its expense, may require an examination by a second health care provider designated by the Town of Fountain Hills.

The Town of Fountain Hills will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the Town for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

Employees must use any accumulated sick, vacation, or personal time to the extent available during this leave period, unless such leave is covered under Workers' Compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as leave without pay. Upon return from leave, the employee will be restored to his/her original or an equivalent position. If an employee fails to return at the end of the FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the Town of Fountain Hills.

If the employee and his/her spouse both work for the Town of Fountain Hills, they are both eligible for leave. In cases other than the employee's own serious health condition, the total leave period for the employee and the employee spouse may be limited to 12 weeks total (combined).

It may be medically necessary for some employees to use intermittent FMLA leave. The organization will work with employees to arrange reduced work scheduled or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition. Leave because of the birth or adoption of a child must be completed within the 12 month period beginning on the date of birth or placement of the child. It may not be taken intermittently without special permission from Human Resources.

If an employee requests an extension of leave beyond the 12-week period because of his/her own serious medical condition, the employee must submit medical certification of a continued serious health condition in advance of the request. The Town of Fountain Hills will review such requests on a case-by-case basis in order to determine whether it can reasonably accommodate such a request. Reinstatement is not guaranteed when granted extended leave and will depend upon the business needs of the organization.

When state and local laws offer more protection or benefits, the protection or benefits provided by those laws will apply.



**Exhibit 915-A**

**Family and Medical Leave Request/Notification**

Employee Name \_\_\_\_\_  
(Last, First, MI) Security Number \_\_\_\_\_

Department Work Telephone \_\_\_\_\_

Dates of Leave          Actual          Anticipated  
From \_\_\_\_\_ To \_\_\_\_\_

**Reason for Leave** (check all that apply)

Birth of my child or care for my newborn child or placement of my child for adoption or foster care.

To care for my spouse, child or parent with a serious health condition.

Intermittent                      Reduced Work Schedule                      Full-time Leave

A serious health problem which makes me unable to work.

Intermittent                      Reduced Work Schedule                      Full-time Leave

Describe the medical necessity for intermittent or reduced work schedule.

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Describe when time off or what change in work schedule will be required.

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**I hereby certify that all of the statements contained herein are true to the best of my knowledge. I understand that omissions or misuse of this law may cause rejection of my leave request and/or disciplinary action.**

\_\_\_\_\_  
Employee's Signature                      Date

**EMPLOYEE - DO NOT WRITE BELOW THIS LINE**



**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** COBRA  
**POLICY NO:** 916  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** To establish a policy governing continuation of benefits.

**SCOPE:** All eligible employees.

**STATEMENT OF POLICY:** The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) helps employees and their dependents to continue their health insurance even if they are no longer eligible under the Town's health plan.

There are strict rules about when an employee can use COBRA. COBRA lets an eligible employee and dependents choose to continue their health insurance when a "qualifying event" happens. Qualifying events include the employee's resignation, termination, leave of absence, shorter work hours, divorce, legal separation, or death. Another qualifying event is when a dependent child stops being eligible for coverage under the employee's health insurance.

An employee who continues insurance under COBRA will pay the full cost of the insurance at the Town's group rates plus an administration fee. When you become eligible for our health insurance plan, we will give you a written notice describing your COBRA rights. Because the notice contains important information about your rights and what to do if you need COBRA, be sure to read it carefully.

**PROCEDURE:** Participants and their qualified beneficiaries are notified of their COBRA rights upon initial enrollment in group health coverage. Because the notice contains important information about rights and what to do if COBRA is needed, be sure to read it carefully. Those rights and responsibilities are incorporated into this Policy.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** FRINGE BENEFITS AND LEAVES  
**POLICY:** Service Awards  
**POLICY NO:** 917  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

The Town of Fountain Hills has established a Service Award Program to honor employees at certain times during their years of service to the Town. All part-time and full-time employees are eligible. Awards will be issued to employees completing five (5) years of service. Additional service awards will be issued at five year intervals.

Employees will be recognized for their years of service at a Staff Meeting.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** TRAVELING ON OFFICIAL BUSINESS  
**POLICY:** TRAVEL TIME  
**POLICY NO:** 1001  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a set of uniform guidelines for the compensation of employees during periods of business related travel.

**STATEMENT OF POLICY:** It shall be the policy of the Town of Fountain Hills to comply with applicable provisions of the Fair Labor Standards Act as it relates to the compensation of employees during periods of business-related travel.

**Commute Time**

An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

If an employee who regularly works at a fixed location in one town is given a special one day assignment in another town or city and returns home the same day, the time spent in traveling to and returning from the other town or city is work time, except that the Town will deduct the time the employee would normally spend commuting to the regular work site.

**Travel During the Workday**

Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and will be counted as hours worked.

The Town allows employees to attend conferences and general educational activities for personal growth and as a fringe benefit. Travel to and from professional conferences for career advancement, where the employee does not engage in an activity directly related to the employee's "principal activity" and where attendance is voluntary, is not compensable.

**Out-of-Town Travel**

Travel away from home that involves an overnight stay will be work time when it cuts across the employee's workday. The time will be hours worked on regular workdays during normal working hours and during corresponding hours on nonworking days. The Town will not count time spent in travel away from home outside working hours as a passenger on an airplane, train, boat, bus, or automobile as work time.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** MEMBERSHIP IN PROFESSIONAL AND CIVIC ORGANIZATIONS  
**POLICY NO:** 1101  
**EFFECTIVE:** October 7, 2004  
**REVISED:**

Membership in a professional organization is valuable to our employees as well as to our organization. The Town of Fountain Hills will pay the annual membership fee required for an employee to belong to job-related professional organizations that are approved in the annual budget. The Town of Fountain Hills will also pay the fees required for employees to maintain and/or obtain professional designations that are directly related to their jobs and that are approved in the annual budget. A department director must approve in writing any exceptions to these limits. The Town of Fountain Hills cannot pay for student memberships in professional organizations.

If membership in a professional or civic organization or a professional designation is not job related but is beneficial to an employee and our organization, the employee may request that his/her dues be paid for by the Town of Fountain Hills. The employee should make a written request to his/her department director. The employee will be advised in writing whether any, or all of the dues, will be paid by the Town of Fountain Hills.

The Town of Fountain Hills will also pay expenses associated with attending periodic job related meetings, conferences and seminars sponsored by professional organizations that are approved in the annual budget.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** USE OF TOWN VEHICLES BY TOWN EMPLOYEES  
**POLICY NO:** 1102  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish guidelines for the appropriate use of Town vehicles. Each Town Department shall adopt this regulation or may adopt more stringent guidelines with the written permission of the Town Manager.

**STATEMENT OF POLICY:**

**SCOPE:** All personnel driving Town vehicles shall have a valid State of Arizona Driver's License with the appropriate license classification for the type of vehicle they are operating, acquire a complete knowledge and understanding of vehicular operations, and obtain all necessary approvals from Risk Management required to operate the vehicle. If a Town employee should lose their driver's license for any reason, that employee shall notify their supervisor at the beginning of the next working shift. The responsibility for assuring complete compliance with the provisions of this regulation rest with the Department Head, supervisors at all levels, and the individual employees involved.

**PROCEDURES:**

- A. The use of Town vehicles shall be restricted to official business, subject to the following guidelines:
1. Transporting of passengers shall be limited to Town employees, persons in an advisory capacity to the Town, persons participating in approved Town programs, and other agency representatives on Town business.
  2. Employees assigned a Town vehicle for use during their normal workday schedule may use the vehicle during normal work hours to either go home or to a restaurant for lunch if their personal vehicle is not readily available. Employees assigned a vehicle for use during their normal workday schedule are to exercise discretion in its use. Town vehicles may not be used for personal business.
  3. Alcoholic beverages shall not be consumed or transported in Town vehicles nor shall Town employees have consumed any alcohol or any substance (as defined by the Town's Drug Free Work Environment Policy) before or while operating the vehicle. Under no circumstances shall any Town employee who registers a positive blood alcohol level be permitted to operate any Town vehicle or heavy equipment.
  4. It is inappropriate for a Town vehicle to be parked in front of certain types of businesses, such as a liquor store or bar unless the vehicle is being used to conduct official Town business, such as an inspection. Considerable discretion should be exercised when using the vehicle for the purposes noted in this paragraph.

B. Department Heads may assign Town vehicles for overnight use under the following circumstances:

1. To employees who are frequently required to use a Town vehicle at night, during the weekend, or if they have substantial emergency responsibilities. This does not include employees whose homes are outside Fountain Hills unless the Town's emergency response or other important Town business would be greatly facilitated.
2. In situations where the conduct of Town business can be facilitated by overnight use of a Town vehicle by an employee who normally does not keep a Town vehicle overnight.
3. To any number of employees rotating a specific assignment and vehicle at night or on weekends.
4. All employees making overnight trips with a Town vehicle must have prior approval of their Department Head as denoted on a Travel Authorization form.

C. Town vehicles shall be operated in a responsible, safe manner, as outlined below:

1. Seat belts shall be worn by all employees and passengers using a Town vehicle and the vehicle shall not be operated until all vehicle occupants have buckled their seat belt.
2. Town vehicles shall be driven in compliance with motor vehicle laws.
3. Employees are personally responsible for the prompt and proper reporting to their supervisor, and payment, of fines for any citations received while using a Town vehicle. Under no circumstances are these citations to be paid for by the use of Town funds. All moving traffic citations shall be reported within three (3) working days to the appropriate Department Head.
4. All employees who operate a Town vehicle shall become familiar with policies and procedures relating to the reporting of accidents. Employees involved in an accident may be required to submit to a test for drugs or alcohol, including possible urine or blood screening. Such tests would be conducted in accordance with Town regulations as outlined under the Drug Free Work Environment Policy and Town of Fountain Hills Personnel Rules.
5. Employees operating Town vehicles are responsible for keeping them clean and litter free. Employees assigned to a specific Town vehicle on a regular basis are also responsible for ensuring the vehicle is in good working order at all times. Any known defects or malfunctions of a Town vehicle are to be reported promptly to the Fleet Mechanic.
6. Routine maintenance and repair of Town vehicles will be supervised through the Fleet Mechanic employed by the Town of Fountain Hills.
7. Fuel cards shall remain in Town vehicles at all times and should be stored in the glove compartment.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** USE OF TOWN PREMISES, PROPERTY AND MATERIALS  
**POLICY NO:** 1103  
**EFFECTIVE:** October 7, 2004  
**REVISED:**

Meetings held on the Town of Fountain Hills' premises must be for the purpose of conducting business. Meetings for other purposes are strictly forbidden.

The use of business stationery and/or the Town's postage meter for personal correspondence is strictly forbidden. The personal use of its facsimile or copying machines also is forbidden without first receiving management approval and reimbursing the Town of Fountain Hills at the current prevailing rates.

Sending or receiving personal mail at the Town of Fountain Hills' address is strongly discouraged because it adds to an already enormous mail volume.

No product or materials, including that put in any trash container, is to be removed from the buildings except by authorized personnel. Anyone who removes product or materials without proper authority will be terminated.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** ELECTRONIC MAIL AND SCHEDULING SYSTEM  
**POLICY NO:** 1104  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The purpose of this policy is to document employee responsibilities for the proper, secure, and lawful use of the Town of Fountain Hills electronic mail (email) system.

**SCOPE:** This policy applies to all employees of the Town of Fountain Hills, including all authorized temporary employees, contractors, and third parties who have access to the Town electronic mail system.

**DEFINITIONS:**

1. "Archive" means that electronic mail files will be moved from the current location and placed in an archive file that can be accessed by the employee. This helps facilitate improved response time within the electronic mail system.
2. "Electronic Mail (e-mail)" is any transmission of messages, including attachments and imbedded objects, across the Town of Fountain Hills computer information network by electronic means, including but not limited to commercial and electronic mail applications, operating systems messaging capabilities and internet mail.
3. The "I/T Coordinator" is the person responsible for maintaining departmental electronic mail applications and/or directories.
4. "Formal Communications" are communications of any kind pertaining to public business which must be preserved as a public record.
5. "Intellectual Property" includes rights and products of the mind or intellect, arising under any law, including, but not limited to, Trade Secrets, Trademarks, Trade Dress, Copyrights, and Unfair Competition. This includes any body of work developed by an employee working on Town business.
6. "Public Record" means:
  - a. A record that is made by a public official in the pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference.
  - b. A record that is required by law to be kept, or necessary to be kept in discharge of a duty imposed by law to serve as a memorial and evidence of something written, said, or done.

- c. A written record of transactions of a public officer in his/her office, which is a convenient and appropriate method of discharging his/her duties, and is kept by this employee as such, whether required by express provisions of law or not.
7. "Routine Electronic Mail Communications" include:
- a. Scheduling Meetings and conference calls
  - b. Notification of legal and policy issues to be resolved in more formal communication
  - c. Requests for information or directives to complete tasks
  - d. Notification of employees' whereabouts, i.e. vacations, conferences, out-of-office work
  - e. Requests for formal advice and assistance

**POLICY:**

The Town of Fountain Hills maintains an electronic mail system. This system is provided by the Town to assist in the conduct of business within the Town. All messages composed, sent, or received on the electronic mail system are and remain the property of the Town. They are not the private property of any employee.

1. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
2. Electronic mail messages are considered Public Records unless they fall into one of three exemption categories: (1) Confidentiality, (2) Personal Privacy, or (3) Best interest of the State. The 'confidential' (or similar) stamp provided by individual electronic mail systems should be used to mark electronic mail messages that should be reviewed to determine whether or not the requested message is a public record. NOTE: The fact an electronic mail message has been marked "confidential" does not remove the message from the public records arena, but it will facilitate the review for public record purposes.
3. The Town reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system. The contents of electronic mail that are public records may be disclosed without the notice or permission of the sender. The Town Attorney's office shall review all messages before they are disclosed. No electronic messages may be monitored, reviewed, audited, intercepted, accessed or disclosed without authorization of the Town Manager.
4. Notwithstanding the Town's right to retrieve and read any electronic mail messages, such messages shall be treated as confidential by other employees and accessed only by the intended recipient.
5. Employees are responsible for protecting their electronic mail passwords and the mail accounts that have been entrusted to them.
6. In addition to the use of electronic mail in the performance of their job duties, employees may make limited personal use of electronic mail under the following circumstances:
  - a. Scheduling of personal appointments as an effective extension of one's overall time management, i.e., luncheons, meetings, etc.

- b. Sharing of event driven information and planning of work-related social events where the intent is to enhance employee morale, i.e. birthdays, marriages, births, etc.
  - c. Other limited uses that do not violate Town or departmental policy.
7. Prohibited uses of electronic mail include, but are not limited to:
- a. Soliciting or recruiting membership for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
  - b. Creating any offensive or disruptive messages which contain sexual implications or comments that offensively address race, color, religion, gender, national origin, ancestry, marital status, sexual orientation, age, physical or mental disability, medical condition, or veteran status.
  - c. Transmitting graphic images in an electronic mail that are not directly related to Town business.
  - d. Issuing or forwarding serial or "chain mail" type messages or advertisements of any commercial nature, except notices of officially approved or sponsored organizations that benefit Town employees, e.g., employee educational scholarships.
  - e. Sending (uploading) or receiving (downloading) copyrighted material, trade secrets, proprietary financial information, or similar materials without prior authorization.
  - f. Retrieving or reading any electronic mail messages intended for another recipient unless authorized by the e-mail recipient.
  - g. Attempting to gain access to another employee's messages or files without his/her permission.
  - h. Any activity that violates established Town or department policy.

**RETENTION SCHEDULES:**

Electronic mail communications will be preserved in accordance with law.

1. Formal communications transmitted or received through electronic mail shall be printed, and the document preserved in the appropriate file in permanent paper format, and disposed of pursuant to the Town Records Retention and Disposition Schedule. Once communications have been preserved as documents in the appropriate file, they should be deleted from the electronic mail system.
2. Routine electronic mail communications, as defined in this policy, should be deleted after the required action is taken.
3. Communications subject to a pending public record request or to format discovery in ongoing litigation will be preserved in the appropriate file or word processing system.

**AUTHORITY AND RESPONSIBILITY:**

1. Employees are responsible for:
  - a. Understanding and adhering to the electronic mail policy.

- b. Using common sense and good judgment in the use of electronic mail as determined by this Town Policy and the Town Manager.
  - c. Managing their electronic mail accounts by preserving and deleting electronic mail messages from their folders as instructed by this policy.
  - d. Advising Department Head or Town Manager of any violation of this policy.
  - e. Maintaining reasonable precautions to safeguard their electronic mail from unauthorized entry or use.
2. Department Heads are responsible for:
- a. Understanding this policy and related policies and documents.
  - b. Advising their employees about this policy and appropriate use.
  - c. Notifying the Town Manager when circumstances warrant monitoring of an employee's electronic mail.
  - d. Following retention schedules in accordance with applicable statutes, Town and organizational policies.
3. The I/T Coordinator is responsible for:
- a. Confirming that reported circumstances warrant monitoring
  - b. Obtaining authorization from the Department Heads and the Town Manager before monitoring specific activity
  - c. Reporting violations of this policy to the Department Head for further investigation and disciplinary action as appropriate

**PROCEDURES:**

1. The Human Resources Office will provide all employees with a copy of this electronic mail policy during new employee orientation and ensure the employees acknowledge and sign a policy acknowledgment.
2. If a violation of this policy occurs, or is suspected, the Department Head or designee should:
  - a. Document the circumstances
  - b. Confirm with the Town Manager that monitoring electronic mail is appropriate
  - c. Monitor the employee's mail in a manner consistent with the circumstances of the policy violation
  - d. Report incidents to the Town Manager and initiate disciplinary action, as appropriate under the circumstances
3. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including termination.

**FORMS:**

The following form shall be used in conjunction with this policy:

1. Employee Electronic Mail and Internet Use Policy Acknowledgment (*See Exhibit 1104-A*).



**EXHIBIT 1104-A**

**TOWN OF FOUNTAIN HILLS  
Electronic Mail and Internet Use Policy Acknowledgement**

I understand that all electronic communication systems, as well as all information transmitted, received, or stored in these systems is the property of the Town of Fountain Hills. I also understand that such systems are to be used for job-related purposes in accordance with policy and that I have no expectation of privacy in connection with the use of this equipment or the transmission, receipt, or information stored in such equipment.

I further understand and agree not to use a code, access a file, or retrieve any stored communication unless authorized; and I acknowledge and understand that the Town may monitor my use of this equipment at any time at its discretion. Such monitoring may include printing up and reading all e-mail entering, leaving, or stored in these systems.

Name of Employee

\_\_\_\_\_  
(Print Name)

Signature of Employee

\_\_\_\_\_

Date

\_\_\_\_\_

Name of Management Witness

\_\_\_\_\_  
(Print Name)

Signature of Witness

\_\_\_\_\_

Date

\_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** INTERNET USE  
**POLICY NO:** 1105  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The Town of Fountain Hills provides limited access to resources available on the Internet to Town staff for research on Town projects and to facilitate communications with others regarding Town issues and practices. This service is available, subject to supervisory approval, to all Town employees and other authorized users within the constraints of budget. This policy sets the standards for appropriate behavior of a Town of Fountain Hills employee when accessing the Internet from either a stand-alone or network based personal computer.

**POLICIES:**

1. Town resources used to access the Internet may only be used for lawful purposes by Town staff working on Town projects. Users should be aware that any communication they transmit could be re-sent or forwarded, intentionally or accidentally, by the recipient to other Internet users. Employees also need to be aware that any e-mail or Internet communications transmitted or received on Town equipment are not private communications, are subject to the Public Records Law, and may be monitored.
2. Any questions regarding appropriate use of these resources should be directed to the employee's supervisor. The employee's supervisor will make the ultimate decision as to the acceptability of use, with final approval by the Town Manager.

Examples of unacceptable use include, but are not limited to, the following when done knowingly or intentionally:

- Using Town time and resources for personal gain
- Extensive use of Town time and Internet resources for non-job related reasons or purposes, which have not been approved by the employee's supervisor
- Engaging in activity that wastes Town resources including file space or memory capacity, printer usage, paper, etc.
- Sending or posting Town confidential materials outside of the Town, or posting such confidential materials within the Town to non-authorized personnel
- Discourteous communication to or about other persons
- Issuing or forwarding chain mail and other frivolous messages, such as practical jokes

- Sending mass mailings to individual mailboxes whether directly or indirectly through distribution lists is prohibited unless specifically approved by the Town Manager
- Accessing any adult (pornographic) sites
- Accessing a web site or location on the Internet where a fee is charged without express written approval of the Department Director

**PENALTIES:**

Any use of the Town's equipment, resources or the Internet in violation of this policy may result in revocation of these privileges, as well as additional disciplinary action up to and including termination. Unlawful use may result in referral for criminal prosecution.

**FORMS:**

The following form shall be used in conjunction with this policy:

Employee Electronic Mail and Internet Policy Acknowledgment (*See Exhibit 1104-A*).

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** USE OF ELECTRONIC DEVICES  
**POLICY NO:** 1106  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** The purpose of this policy is to document employee responsibilities for the proper, secure, and lawful use of the Town of Fountain Hills telephone system.

**SCOPE:** This policy applies to all employees of the Town of Fountain Hills, including all authorized temporary employees, contractors, and third parties that are granted access to the Town's telephone system.

**POLICY:**

Office telephones are a vital part of our business operation. Because of the large volume of business transacted by telephone, personal use of the telephone should be limited and personal calls should be brief. Personal long distance calls are discouraged. In instances where an emergency may occur, and it is not possible to bill the long distance charges to the employee's home phone, credit card, collect, etc., the employee will be required to reimburse the Town for long distance charges.

Cellular phones and/or pagers are furnished to certain employees in connection with their job duties. Employees who are issued cellular telephones by the Town of Fountain Hills should make all business related long distance telephone calls while traveling from their cellular telephone. Employees need to limit personal use of their cellular telephone in the same way they need to limit personal use of their office telephone. Employees that have excessive cellular usage for personal calls will be subject to corrective action up to, and including, termination.

The Town of Fountain Hills requires the safe use of its cellular telephones by employees while conducting business. The employee should not use the cellular telephone while driving because of safety concerns but should instead pull to the side of the road to make or receive telephone calls. If an employee is unable to pull over or stop before receiving a cellular telephone call, they should keep the business conversation brief, and immediately locate a safe area to park their vehicle.

During work time, employees are not permitted to use personal cellular telephones. These should be used only during breaks and meal times.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** iPad/iPHONE USE  
**POLICY NO:** 1107  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** The purpose of this policy is to document employee responsibilities for the proper, secure, and lawful use of iPads and iPhones owned by the Town of Fountain Hills.

**SCOPE:** Town of Fountain Hills has provided an iPad/iPhone with Internet and E-mail access to all members of the Town Council and designated staff (“Users”) for the purpose of performing work efficiently and effectively.

**POLICY:**

1. Each User shall comply with this policy when using the iPad/iPhone issued to such User.
2. Users will use their default email account for the iPad/iPhone that will be used to send official Town documents, including without limitation Town Council agendas, staff reports, and the like. Internet access may be available through the iPad/iPhone.
3. The iPad/iPhone and Internet, and E-mail access provided on the iPad/iPhone are tools for conducting Town business. The use of such tools shall be solely for Town-related purposes, such as to review Council agenda materials, research relevant topics, obtain useful information for Town-related business, and conduct business communications as appropriate. All of the Town's computer systems, including the iPad/iPhone, are public property. All documents, files, and E-mail messages are subject to the Arizona Public Records Law, and are the property of the Town of Fountain Hills.
4. Users shall comply with the copyrights, software license provisions, property rights, privacy of others, just as in any other business dealings. All existing Town policies will continue to apply to use of the Internet and to use of E-mail on the iPad/iPhone, including but not limited to those that deal with misuse of Town resources, sexual harassment, information and data security, and confidentiality.
5. iPad/iPhone, Internet, and E-mail activities will be traceable to the Town of Fountain Hills and will impact the reputation of the Town. Users shall refrain from making any false or defamatory statements in any Internet forum and from committing any other acts which could expose the Town to liability. Users shall not knowingly download files from sources which may be untrustworthy nor shall Users open and read files attached to E-mail transmissions unless they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the Town’s systems. Users will be held accountable for any breaches of security caused by files obtained for non-business purposes.

6. There is no expectation of privacy with respect to the use of the iPad/iPhone. The Town reserves the right to inspect all files stored on iPad/iPhone in order to assure compliance with this policy. Users do not have any privacy right in any matter created, received, stored in, or sent from any Town iPad/iPhone and the Town Manager may institute appropriate practices and procedures to assure compliance with this policy.
7. The iPads/iPhones will be equipped and periodically updated with such applications, “apps”, and software as may be reasonably necessary and appropriate to perform Town related duties. Any software, E-mail messages, or files downloaded via the Internet into the Town systems become the property of the Town and may only be used in ways that are consistent with licenses or copyrights.
8. If a User loses or damages the iPad/iPhone, it shall be reported to the Information Technology Coordinator immediately, as the iPads/iPhones may be covered by an extended warranty. The User may be responsible for payment of the deductible for repair or replacement if the damage or loss was the result of gross negligence or intentional misconduct of the User.
9. Users shall not send any messages of an obscene, libelous, vulgar, or defamatory nature.
10. Users shall not use any email program or service during any Town meeting and Users will not use the iPad/iPhone in any way that might violate the Open Meeting Law.
11. Users shall not use the iPads/iPhones for operating a business of personal gain, sending chain letters, soliciting money for religious or political causes, or any other purpose that interferes with normal Town business activities.
12. Users shall not use the iPads/iPhones to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
13. When using the iPads/iPhones, Users shall identify themselves honestly, accurately, and completely at all times.
14. Users shall return their iPad/iPhone to the Information Technology Coordinator when their term or employment, as applicable, with the Town of Fountain Hills has ended.

**RETURN:**

All elected officials and employees shall return their iPad/iPhone to the Information Technology Coordinator when their term and service for the Town of Fountain Hills has ended. The iPad/iPhone will be wiped clean of any and all information upon return of the iPad/iPhone to the Information Technology Coordinator at the end of the elected and appointed official’s term and service. Information Technology will ensure that any public records stored on the iPad/iPhone that need to be retained shall be transferred to an appropriate Town computer or storage medium.

## **EQUIPMENT BUYBACK:**

At the end of their term or employment, the elected official or employee has the option to purchase the iPad/iPhone from the Town at the following rates:

- iPhone - \$100
- iPad – Replacement cost calculated based on a depreciable life of 5 years:
  - Year one - \$500
  - Year two - \$400
  - Year three - \$300
  - Year four - \$200
  - Year five and beyond - \$100

## **CONCLUSION:**

The Town of Fountain Hills has provided iPad/iPhone, Internet, and email access to all elected officials and certain employees for the purpose of performing work efficiently and effectively in the context of available communication technologies. While compliance with this detailed policy is mandatory, it should not impede legitimate use of these facilities. The purpose of this policy is to ensure that all use is consistent with the law and with the ethical and business practices which the Town follows.

## **FORMS:**

The following forms shall be used in conjunction with this policy:

1. iPad/iPhone Agreement (See Exhibit 1107-A)
2. Employee Electronic Mail Policy Acknowledgment (See Exhibit 1104-A)

**TOWN OF FOUNTAIN HILLS  
IPAD/IPHONE AGREEMENT  
FOR TOWN COUNCIL MEMBERS AND DESIGNATED STAFF MEMBERS**

I, the undersigned, have been provided a copy of the Town of Fountain Hills iPad Policy and understand its contents fully. I accept and understand terms of the policy and agree to abide by all the terms contained in it.

\_\_\_\_\_  
(Signature)

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** SOCIAL MEDIA POLICY  
**POLICY NO:** 1108  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** To establish guidelines for the use of social media by Town employees.

**SCOPE:** This policy applies to all employees of the Town of Fountain Hills, including all authorized temporary employees, contractors, and third parties who have access to the Town's information system.

**STATEMENT OF POLICY:** The Town of Fountain Hills understands that many employees use social media as a way to share information and opinions with family, friends, and co-workers. However, the use of social media presents certain risks and carries certain responsibilities. In conjunction with the Town's policies regarding Code of Conduct, Political Activity, Harassment, Electronic Mail and Scheduling System, Internet Use, and iPad/iPhone Use, the following guidelines have been established for appropriate use of social media.

**GUIDELINES:**

1. "Social media" are comprised of the various means of communication or posting of information or content on the Internet, including, but not limited to, blogs, journals, personal websites, social networking websites, web bulletin boards, and web chat rooms. Common social media providers include Facebook, Twitter, and YouTube, among others.
2. Employees may not post to or use personal social media or social networking websites during work time, using Town computers or devices, or while operating a Town vehicle.
3. The same principles found in the Town's personnel policies apply to activities online. Any conduct that adversely affects job performance or that adversely affects fellow employees, vendors, community members, or the legitimate interests of the Town may result in disciplinary action up to and including termination.
4. Employees should consider the risks and rewards before posting any content online. Employees are solely responsible for what they post online. They should be respectful, honest, and accurate and should never post content that is or could be perceived to be false, malicious, obscene, threatening or intimidating, disparaging to others, or that might constitute harassment or bullying.
5. Employees should maintain the confidentiality of Town information that should not be made public. Not all records and information constitute public records and information subject to disclosure. Disclosure of confidential or otherwise protected information is a violation of Town policy and may be a violation of state law.
6. Employees should respect the intellectual property rights of the Town and others.
7. Only authorized individuals may post official content to the Town's social media websites.
8. Employees should direct all media inquiries to the Town Manager or designee.

Nothing contained in this policy shall be interpreted or construed in a way that denies any employee his or her civil or political liberties as provided by law.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** OTHER WORK PLACE POLICIES  
**POLICY:** TOWN FURNITURE AND WALLS  
**POLICY NO:** 1109  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

All employees are asked to contribute to a professional looking work environment. Our customers, residents and businesses deserve impressive public facilities. Employees are asked to:

- Check with department directors before hanging items on walls. Appropriate items could include artwork, diplomas, awards, plaques, Town related items, etc.
- Frame all pictures or items for display
- Do not tape, magnetize or tack any items to walls, cubicles or their supports, overheads or furniture. An exception could be if clipped with a magnet, out of view, and is not unsightly or destructive to furniture. This would include any quick reference material such as phone number lists, referral lists, etc. which should be displayed in the most professional manner available.
- Refrain from displaying items that may cause others to be uncomfortable or may find to be offensive.
- Employees may not post material on bulletin boards without the approval of Human Resources or Information Technology Divisions.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** SUPERVISION AND DISCIPLINE  
**POLICY:** SUPERVISION AND DISCIPLINE  
**POLICY NO:** 1201  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish the employee discipline process.

**PROCEDURES:** Each employee shall be supervised by the individual to whom he/she is responsible in the organization. Each employee shall customarily be responsible to one immediate supervisor; however, when an employee divides responsibilities among two or more programs, the responsibilities for supervision and evaluation shall be furnished in writing to the employee.

The Town Manager has authority to take disciplinary action against any classified or unclassified employee. The Town Manager may delegate this authority to any management employee for subordinate employees.

Disciplinary actions shall be considered as constructive means of dealing with an employee's unacceptable behavior or performance and should be appropriate to the seriousness of infraction or performance deficiency. Normally, with the exception of serious misconduct, the supervisor will counsel or give written warning to an employee and advise him/her about any aspects of work performance or conduct that need improvement and provide an opportunity for improvement. However, there is no right to progressive discipline. The seriousness of an offense may lead to any level of discipline up to dismissal. A combination of disciplinary actions may also be used.

Grounds for Disciplinary Action

Grounds for disciplinary action(s) include but are not limited to the following:

1. The employee fails to competently or efficiently perform assigned duties and responsibilities.
2. The employee is unsafe to himself/herself, other employees, the public, or Town property in the performance of duties or responsibilities; or the employee has violated safety rules or practices.
3. The employee has been abusive in attitude, language, behavior, or conduct toward a fellow employee, a supervisor, or the public; or their action has resulted in physical harm, injury, or fear of harm to such persons.
4. The employee has been insubordinate, willfully disobedient, or has failed to follow reasonable direction from a supervisor.
5. The employee has been convicted of a criminal offense while employed by the Town.
6. The employee has stolen public or private property, misappropriated Town funds, or has been an accomplice in any of these practices while employed by the Town.
7. The employee has made unauthorized use and/or removal of Town property.

8. The employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
9. The employee has engaged in conduct, on or off duty, that is of such a nature that it causes discredit to the Town.
10. The employee has purchased, possessed, used, manufactured, distributed, dispensed, or sold alcoholic beverages, unauthorized drugs or controlled substances, or any other intoxicants on Town property, while operating Town equipment, or while in the performance of Town duties unless authorized to do so; or the employee has reported to work under the influence of alcohol or drugs as defined in the Town of Fountain Hills Drug-Free Workplace Policy; or the employee's off-duty use, possession, or sale of drugs or alcohol adversely affects work performance, safety, or the Town's reputation.

Upon reasonable suspicion, an employee may be required to undergo an intoxilyzer, blood, breath, urinalysis, or any other appropriate test to detect and substantiate the presence of alcohol or drugs. Refusal to undergo the test when ordered or switching or adulterating test samples will constitute violation of #4 above. (See Drug-Free Workplace Policy.)

11. The employee has intentionally falsified any document, report or statement relating to their employment with the Town.
12. The employee has secured employment with the Town through misrepresentation or fraud.
13. The employee has refused to subscribe to any oath or affirmation required in connection with Town employment.
14. The employee has violated the rule or regulation governing outside employment (See Policy 209, Secondary Employment).
15. 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.
16. The employee has had excessive absenteeism or tardiness.
17. The employee has refused to perform reasonable modified duty that is assigned because of an illness, injury or disability.
18. The employee has worked at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave.
19. The employee has concealed information or failed to properly report an accident or incident under the purview of any state statute or Town resolution or regulation.
20. Failure of an employee convicted under a criminal drug statute for a violation occurring in the workplace to notify his/her Department Head within five (5) days after such a conviction.
21. The employee holds a Town of Fountain Hills elective office prior to resigning from a Town position or holding any other office incompatible with a position with the Town.

22. The employee has used or attempted to use political influence in securing a promotion, leave of absence, transfer, or an increase in pay.
23. The employee has accepted a fee, gift, or other item in the course of performing the duties and responsibilities of their position in violation of the conflict of interest rules.
24. The employee has committed an act of discrimination or harassment based on race, color, religion, sex, national origin, age, disability or any other category identified in the nondiscrimination policy.
25. The employee has failed to follow appropriate chain-of-command.
26. The employee has committed any other conduct of equal gravity to the reasons enumerated in this section.

## **TYPES OF DISCIPLINARY ACTIONS:**

### Counseling

Counseling is a private discussion between a supervisor and an employee concerning expectations of future conduct. The supervisor should keep notes regarding the discussion and the date, and the employee should be told that a record of the counseling session shall become part of the employee's personnel record. Counseling is not discipline and is not subject to the appeal/grievance procedure.

### Warning

A written warning may be given to an employee describing the performance or behavior which needs to be improved. The employee shall sign the statement and receive a copy. This warning shall become part of the employee's personnel record.

### Reprimand

When counseling or warning have not resulted in the correction of a situation, or when more severe initial action is warranted, the supervisor may issue a written reprimand stating the date of any prior discussion or warning, a description of the unacceptable behavior or performance, and possible consequences if behavior is not improved or corrected. The employee shall sign the statement and receive a copy. If the employee refuses to sign the statement, the supervisor shall sign the statement as such, and indicate the employee's refusal to sign. The written reprimand shall become part of the employee's personnel file.

### Special Review Period

When performance or behavior warrant the action, a special review period may be established. The special review period may not exceed 90 calendar days. The supervisor shall prepare a written performance evaluation and memorandum outlining the improvement required, the time established for the period, and possible consequences if performance does not improve. Ten days before the end of the period, the supervisor shall submit a written performance evaluation and recommendation for the employee's future status to the Human Resources Administrator, which shall become a part of the employee's personnel record.

### Demotion

An employee whose ability to perform the required duties falls below standard or who merits disciplinary action may be demoted upon approval of the Town Manager. Written notice shall be given to the employee within three days before the effective date of the demotion.

Suspension Without Pay: The Town Manager may suspend an employee from any position at any time without pay for a disciplinary purpose. A supervisor may recommend suspension of a subordinate employee to the Town Manager for his/her approval. No supervisor may suspend a subordinate for any period of time without the approval of the Town Manager. A suspended employee receives written notification on a "Record of Counseling/Disciplinary Action" form, or by separate letter which will be attached to the "Record of Counseling/Disciplinary Action" form, listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The employee is given a copy of the written notification and the original is immediately forwarded to the Human Resources Office for inclusion in the personnel record.

Suspension of Exempt Employees: An exempt employee (those exempt from the provisions of the Fair Labor Standards Act) may not be suspended *without* pay for disciplinary sanctions for a period of less than one or more full days except for infractions of safety rules "of major significance." Suspensions for exempt employees must occur within the same workweek. Safety rules of major significance are those (rules) and supervisory directives relating to the prevention of serious hazard, damage or danger to the Town, its facilities, employees or the public.

Administrative Leave With Pay: The Town Manager may place an employee on Administrative Leave With Pay at any time as a non-disciplinary measure to permit an investigation into matters concerning a possible disciplinary action. No supervisor may place a subordinate on administrative leave with pay for any period of time without the approval of the Town Manager. During this period, the employee is considered to be on full duty and available to participate and aid in the investigation. In making the determination to place an employee on administrative leave with pay, the following factors are considered:

A. Whether or not the employee's presence on the job or at the work site would hinder the investigation,

OR

B. If the employee's presence would be detrimental to the public interest or the continued efficient operation of the Town. The Town Manager must approve administrative leave.

An employee placed on Administrative Leave With Pay receives written notification on a "Record of Counseling/Disciplinary Action" form, or by separate letter which will be attached to the "Record of Counseling/Disciplinary Action" form, listing the nature of the investigation, period of leave, and administrative review and appeal rights, if any. The employee is provided a copy of the written notification and the original is immediately forwarded to the Human Resources Office for inclusion in the personnel record.

### Dismissal

Employees may be dismissed with cause by the Town Manager by written notice which shall state the cause for dismissal, the effective date, and the employee's appeal rights, if any. Only covered employees who have successfully completed the introductory period have appeal rights.

### Due Process:

Prior to an involuntary termination, a non-introductory period employee will be provided with a written notice from his or her supervisor of the intent to terminate with the supporting reasons. The employee shall be given an opportunity to respond to the charge, orally or in writing to his or her supervisor, as to why the proposed action should not be taken.

The department's explanation in the notice shall be sufficient to apprise the employee of the basis for the proposed action. This shall not limit the employer at subsequent proceedings from presenting a more detailed

and complete case. If, after considering the employee's evidence, the Town proceeds with termination, the employee may appeal in writing within ten (10) calendar days of the decision. Human Resources will then set an administrative hearing to adjudicate the appeal. The employee may have legal counsel present at the hearing.

In cases involving an employee who works under the direction of the Town Manager, the hearing officer shall be the Presiding Judge. In cases involving an employee who works under the control of the Presiding Judge, the hearing officer shall be the Town Manager. The Town Manager or the Presiding Judge may appoint another manager or Judge from another Arizona city or town to serve as the hearing officer in their place if they so choose. The hearing officer shall, no later than five (5) calendar days after the conclusion of the hearing, deliver a written opinion which shall contain three (3) basis elements:

1. A statement of relevant facts
2. A statement of applicable rules
3. Conclusions/recommendations

The written opinion shall be delivered to the affected employee, his/her supervisor and/or department director, the Town manager in cases where the Presiding Judge has served as hearing officer, and the Presiding Judge in cases where the Town Manager has served as hearing officer. A copy of the opinion shall also be placed in the employee's personnel file.

Within five (5) calendar days after the receipt of the written opinion of the hearing officer, the appointment authority (either the Presiding Judge or the Town manager) shall either affirm or reject the determination of the hearing officer. The decision of the appointing authority shall be final and binding upon both the employee and the Town, and therefore, not appealable to any office or body of the Town or to any other forum, administrative or judicial.



**TOWN OF FOUNTAIN HILLS  
RECORD OF COUNSELING/DISCIPLINARY ACTION FORM**

Employee Name: \_\_\_\_\_

**PART I: ALLEGED OFFENSE**

State unsatisfactory incident, performance, or violation committed and specific rule violated. Personnel Rules and Regulations, Section \_\_\_\_\_. If used for counseling interview or oral reprimand, state what was discussed and agreed upon, if appropriate; no employee response required.

**PART II: EMPLOYEE RESPONSE**

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**PART III: TYPE OF ACTION RECOMMENDED**

- No Action
- Disciplinary Suspension \_\_\_\_\_Hours
- Oral Reprimand
- Disciplinary Pay Reduction
- Written Reprimand
- Involuntary Demotion
- Administrative Leave
- Dismissal – Written Notice

**STATEMENT OF FINAL ACTION:** State what was determined from an investigation and indicate the recommended resolution. Please note that it is necessary to complete the “Counseling/Disciplinary Action Form.”

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

**I hereby certify that I understand my due process rights and that I have read this disciplinary action form and acknowledge its receipt. I understand that my signature does not necessarily indicate agreement.**

\_\_\_\_\_  
**Employee’s Signature**

\_\_\_\_\_  
**Date**

**TOWN OF FOUNTAIN HILLS  
COUNSELING/DISCIPLINARY ACTION FORM**

Employee Name (Please Print): \_\_\_\_\_

Title: \_\_\_\_\_ Department/Division: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town Manager's Signature (if required): \_\_\_\_\_ Date: \_\_\_\_\_

Personnel Rules and Regulations Violated (Section/Item\_\_\_\_):

**Oral Reprimand** - The non-written notification to an employee of job performance deficiency or misconduct and notification of the Town's level of expectations. Supervisor should document the date and nature of the reprimand on the "Record of Counseling/Disciplinary Action" form.

Date of Oral Reprimand: \_\_\_\_\_

**Written Reprimand** - The official notification to an employee that there is cause for dissatisfaction with the employee's job performance or that there is misconduct.

Date of Written Reprimand: \_\_\_\_\_

**Administrative Leave** - The non-disciplinary suspension of an employee with pay to permit an investigation into matters concerning possible disciplinary action. Must be approved by Town Manager.

Duration:      From:                      To:                      Total Hours: \_\_\_\_\_

**Disciplinary Suspension of 40 hours or less** - The temporary separation of an employee from Town service without compensation. Must be approved by the Town Manager.

**Exempt employees may not be suspended without pay for disciplinary sanctions for a period of time less than one or more full days per the Fair Labor Standards Act.**

Duration:      From:                      To:                      Total Hours: \_\_\_\_\_

**Disciplinary Suspension of Greater Than 40 Hours** - The temporary separation of an employee from Town service without compensation must be approved by the Town Manager

Duration:      From:                      To:                      Total Hours: \_\_\_\_\_

**Disciplinary Pay Reduction** - The reduction of an employee's salary will be at the discretion of the Town. The reduction may be permanent or temporary and must be approved by the Town Manager. **This disciplinary action does not apply to exempt employees per the Fair Labor Standards Act.**

**Temporary Pay Reduction:** From: Old Hourly Rate: \$ To: New Hourly Rate: \$

**Permanent Pay Reduction:** Old Hourly Rate: \$ Effective Date: New Hourly Rate: \$

**Involuntary Demotion** - The movement of an employee from one class to another class at a lower rate of pay. The demotion may be permanent or temporary and must be approved by the Town Manager.

Old Classification: New Classification:  
Old Range: New Range:  
Old Hourly Rate of Pay:\$ New Hourly Rate of Pay: \$  
Effective Date:

**Dismissal** - The discharge for cause of an employee from Town service. Must be approved by the Town Manager.

**Effective Date:** \_\_\_\_\_

Employees may appeal disciplinary action through the grievance procedure. An employee serving an initial introductory period or in an uncovered position, may not appeal.

I hereby certify that I understand my grievance rights and that I have read this disciplinary action form and acknowledge its receipt. I understand that my signature does not necessarily indicate agreement.

\_\_\_\_\_  
Employee's Signature Date

COPY: Employee Department Head Human Resources

(Copies of all disciplinary actions must be forwarded to the Human Resources Office)

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** SEPARATION FROM SERVICE  
**POLICY:** SEPARATION FROM EMPLOYMENT  
**POLICY NO:** 1301  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a process the Town will follow for all terminations of employment, whether voluntary or involuntary.

**STATEMENT OF POLICY:** All employees leaving the Town's employ, whether voluntarily or involuntarily, shall be required to make proper disposition and accounting for all funds and property (s)he was responsible for and to repay any amounts owed to the Town before final payment will be made to the employee.

All employees leaving the Town's employ, whether voluntarily or involuntarily, shall be afforded an opportunity to participate in an exit interview. However, participation is entirely voluntary on the part of the terminating employee.

**SCOPE:** All employees.

**PROCEDURE:**

**1. Voluntary Resignation**

- a. If termination is the result of a voluntary resignation, the employee is to document their intent to resign their position by submitting a letter of resignation to their supervisor bearing the current date, the last day of work, and the employee's signature. A "**Voluntary Resignation and Retirement Notice**" (See Exhibit 1301-A) may be used for notification purposes.
- b. Failure to give at least ten (10) working days resignation notice, fifteen (15) working days for Department Heads, could result in separation with prejudice and denial of rehire. Waiver of required notice may be granted by the Town Manager (in writing).
- c. The effective date of termination is the last day the employee actually works. Exception: The effective date of termination due to expiration of a leave of absence is the last day of the approved leave.
- d. Group benefits such as medical, dental and life insurance terminate on the last day of the month in which termination occurs. Deductions will be taken, as needed (e.g., pro-rating insurance). Contact Human Resources for further detail.
- e. Pay in lieu of notice for up to two (2) weeks of regular pay may be awarded to full-time regular employees who have completed their Introductory Period. Such payment may be made whether the termination is voluntary or involuntary and is at the discretion of the Town Manager, depending on the circumstances of the termination. Approval for pay in lieu of notice rests with the Town Manager.
- f. All documentation is to be promptly forwarded to Human Resources.

- g. Arizona law requires final payment to voluntarily terminated employees to take place no later than their next regularly scheduled pay date.

## **2. Involuntary Termination**

- a. An employee, regardless of employment status, may be terminated by the Town Manager at any time during their initial Introductory Period.
- b. Introductory, seasonal, and temporary employees are not covered under the Right of Appeal process.
- c. The Due Process in Policy 1201 will apply.
- d. Group benefits such as medical, dental, and life insurance, terminate on the last day of the month in which termination occurs. Deductions will be taken, as needed (e.g., pro-rating insurance). Contact Human Resources for further detail.
- e. Arizona law requires final payment to involuntarily terminated employees to take place on the earlier of the next regular payday or within seven (7) working days.

## **3. Notice**

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

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

**VOLUNTARY RESIGNATION and  
RETIREMENT NOTICE**

**Failure to give at least ten (10) working days resignation notice, fifteen (15) working days for Department Heads, could result in separation with prejudice and denial of rehire.**

**VOLUNTARY RESIGNATION**

I, \_\_\_\_\_, voluntarily resign my position of \_\_\_\_\_  
Print Name Job Title

with the Town of Fountain Hills. My last day of work will be: \_\_\_\_\_  
Last day worked is termination date

Reason for resignation: (Check one)

- To accept another job
- Moving out of area
- To attend school
- Dissatisfied with job
- To stay at home
- Other (explain)

**RETIREMENT RESIGNATION**

I, \_\_\_\_\_, submit notice of retirement from my position of \_\_\_\_\_  
Print Name Job Title  
with the Town of Fountain Hills. My last day of  
work/retirement will be: \_\_\_\_\_  
Last day worked is termination date

**Arizona State Law requires final payment of voluntary resignations no later than the next regularly scheduled pay date.**

My mailing address with the Town of Fountain Hills is current: Yes No

If no, please provide current or forwarding mailing address:

\_\_\_\_\_  
Mailing Address City State Zip

\_\_\_\_\_  
Employee's Signature Date

Resignation Accepted \_\_\_\_\_  
Supervisor's Signature Date

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** SEPARATION FROM SERVICE  
**POLICY:** REFERENCES  
**POLICY NO:** 1302  
**EFFECTIVE:** October 7, 2004  
**REVISED:**

All inquiries regarding employees who are currently employed or who have been previously employed by the Town of Fountain Hills are to be referred to Human Resources. Supervisors and/or coworkers should refrain from writing letters of reference. All requests for letters of reference are to be referred to Human Resources. When Human Resources receives inquiries regarding previously employed employees, they will refer to the signed Employee Authorization to Release Reference Information Form in the employee's personnel file and release only the information authorized. When Human Resources receives inquiries regarding currently employed employees, they will only provide information limited to dates of employment and job title.

The only exception to the above statement is that Human Resources may release salary information to credit institutions when the request for salary information is made in writing and the employee authorizes release of the information.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** SEPARATION FROM SERVICE  
**POLICY:** REDUCTION IN WORKFORCE  
**POLICY NO:** 1303  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To establish a systematic process which the Town will follow in the event the Town Manager deems it necessary to reduce positions due to lack of work, funds, or other budgetary limitations, and ensure business operations remain sound and employees are treated objectively.

**STATEMENT OF POLICY:** A Reduction in Workforce (RIWF) is an extremely difficult business decision for an organization. It is the Town of Fountain Hills' intent to treat all impacted employees with dignity and respect, and to assist employees through the RIWF process. The Town Manager, with input from Department Heads, shall determine the number and classifications of employees to be laid off. In addition, the Town Manager and the Human Resources Administrator shall determine the specific procedures to be followed and the benefits that may be offered to affected employees.

Employees affected by a Reduction in Workforce shall have the opportunity to continue their medical, dental, and vision insurance coverage (if applicable) in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions.

**SCOPE:** All employees.

**PROCEDURE:** In selecting the employee who will remain with the organization, only job-related criteria will be used. The criteria used will be determined based on the reason for the reduction in force and the determination of the department's needs. Job related criteria may include, but are not limited to, the employee's current performance (as noted by the most current performance review), competencies, skills, responsibilities, experience, leadership, education and training, personal commitment, and salary. Seniority will be used only in the case of a tie.

**Severance**

Full-time employees who are laid off may be provided a severance package as determined by the Town Manager.

**Grievance Rights**

Grieving a Reduction in Workforce action is specifically excluded from the grievance procedure.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** PROBLEM SOLVING AND GRIEVANCE PROCEDURES  
**POLICY:** PROBLEM SOLVING  
**POLICY NO:** 1401  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:** To effectively and professionally address work-related issues or concerns.

**STATEMENT OF POLICY:** The Town will treat all employees fairly, with respect, and as members of the team. This includes you, your fellow workers, supervisors, management, elected officials, Board and Commission members, our customers, and the Fountain Hills community. In order for this to happen, the following procedure needs to be followed.

**DISCUSSION:** This policy establishes the policies and procedures for the administration of the Town's Problem Solving process. This process does not replace the Grievance procedures in Policy 1402 or any other complaint or reporting procedures established in policy. Rather, this process has been established to advise employees of the proper avenues to use in communicating work-related issues or concerns. Examples of issues or concerns include, but are not limited to, any issues that impact an employee's work unit or impact an employee's ability to do their job.

Employees need to remember that they may not take work-related employment issues and concerns to the Mayor and Town Council. Taking employment issues and concerns to the Mayor and Town Council disrupts chain-of-command of employees under the jurisdiction of the Town Manager (Ord. 230-97); and any such issues or concerns will be referred back to staff. This process does not prohibit staff from discussing Town projects and/or business with Council that would normally be brought to their attention.

Town of Fountain Hills employees who have work-related issues or concerns should address them within a timely manner. Matters raised within five working days will be considered timely. Employees are to use the following process to resolve such matters. For matters involving harassment, discrimination, or legal violations, Policy 210 is to be followed.

**PROCEDURE:**

1. Employees are to go to their first-line supervisor in a timely manner with any work-related issue or concern unless it involves harassment or discrimination, in which case they should follow the procedures set forth in Policy 210. For legal violations involving their supervisor, employees should go to their supervisor's superior, the Human Resources Administrator, or the Town Manager. Employees may have a regular employee of the Town as a silent witness at meetings in which work issues or concerns are discussed.
2. If the work-related issue or concern has not been resolved at the first-line supervisor level within five working days after the meeting in step 1 (above), employees should go to the next higher level of management. Both the employee and supervisor should document the reasons as to why the concern or issue was not resolved at the first-line level.
3. Only after employees have worked their way through their respective Department Head should they take their work-related issue or concern to the Human Resources Administrator or Town Manager.

4. Employees are required to exhaust all internal avenues before taking their work-related issue or concern outside this procedure.
5. The Mayor and Town Council, as well as those outside of the organization, are not in an employee's chain-of-command and therefore are not in a position to address work-related issues or concerns.

There will be times in every employee's career when decisions are made that everyone does not agree with. That is natural; however, everyone is nevertheless still expected to abide by legitimate decisions.

Failure to follow this process will have a negative effect on Town organization and will therefore be considered a violation of the Town's Personnel Rules.

No employee will be subject to any form of retaliation or discipline for using this process. Any employee found guilty of retaliation will be disciplined.

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** PROBLEM SOLVING AND GRIEVANCE PROCEDURES  
**POLICY:** Grievances  
**POLICY NO:** 1402  
**EFFECTIVE:** October 7, 2004  
**REVISED:** July 1, 2013

**PURPOSE:**

1. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
2. To afford employees a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion.
3. To provide that grievances shall be settled at the lowest possible level.
4. To provide that appeals shall be conducted informally.

**STATEMENT OF POLICY:** The Town of Fountain Hills, in keeping with its policy of maintaining satisfactory working conditions, will provide a means to insure fair handling of employee complaints and grievances. Any employee whose state of mind is so affected by a grievance that he/she will not endeavor to, or cannot do the proper thing in the course of performing their regular duties, should immediately pursue the prescribed procedures for grievances.

**SCOPE:** Covered employees defined in Policy 1403 shall have the right to file a grievance under this rule regarding a decision affecting his/her employment over which his/her immediate supervisor has partial or complete jurisdiction, with the exception of suspensions, demotions, or dismissals, which shall be appealed directly to the Town Manager.

- A. This procedure may be used to review the following types of problems, which are intended as examples and not strict limitations:
1. Work Hours
  2. Assigned Duties
  3. Working Conditions
  4. Application of Town policies, as they relate to the employee (e.g. discipline)
- B. This procedure shall not be used for problems concerning:
1. Due Process related to involuntary termination
  2. Compensation
  3. Classification
  4. Matters covered by state or federal law
  5. Performance evaluation

## **PROCEDURE:**

### **A. Informal Grievance Procedure**

1. An employee who has a problem or complaint should first try to get it settled through discussion with his/her immediate supervisor without undue delay.
2. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, he/she will have the right to discuss it with his/her supervisor's immediate department director. If the employee's supervisor does not have a department director, the employee shall discuss the matter with Human Resources. In some circumstances, Human Resources will determine that the matter should be referred to the Town Manager, or his designee, at this stage.
3. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and he/she will not be permitted to proceed to the formal grievance procedure outlined below.

### **B. Formal Grievance Procedure**

Levels of review through the chain of command are listed below:

1. If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to this level. Initially, the employee must reduce the grievance to writing citing the article and section of the personnel policies and procedures alleged to have been violated, the date of the violation that forms the basis for the grievance, the nature of the grievance and the relief requested.
2. The written grievance will be presented to the employee's immediate supervisor, within twenty (20) calendar days of the occurrence, and no later than ten (10) calendar days after the informal grievance procedure has been fully exhausted. The supervisor will render his/her decision and comments in writing and return them to the employee within fifteen (15) calendar days after receiving the grievance.
3. If the employee does not agree with his/her supervisor's decision, or if no answer has been received within fifteen (15) calendar days, and the employee wishes to continue in the process, the employee may present the grievance in writing to his/her supervisor's immediate department director, or in the absence of a department director, to Human Resources.
4. Failure of the employee to take further action within five (5) calendar days after receipt of the written decision of his/her supervisor or within a total of twenty (20) calendar days if no decision is rendered, will constitute a withdrawal of the grievance.

Further Level(s) of Review as Appropriate

1. The second level supervisor receiving the grievance will review it, render his/her decision, and comments in writing, and return them to the employee within fifteen (15) calendar days after receiving the grievance.
2. If the employee does not agree with the decision, or if no answer has been received within fifteen (15) calendar days, and the employee wishes to continue in the process, he/she may present the grievance in writing to the Town Manager – through the Human Resources Administrator.

3. Failure of the employee to take further action within five (5) calendar days after receipt of the decision, or within a total of twenty (20) calendar days of referral to his/her second level supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

Town Manager – Final Step

1. Upon receiving the grievance, the Town Manager or his/her designated representative should discuss the grievance with the employee and with other appropriate persons.
2. The Town Manager or designee may designate an external fact-finding committee to advise him/her concerning the grievance.
3. He/she will render a final decision. The Town Manager's decision may not be appealed.

**TOWN OF FOUNTAIN HILLS EMPLOYEE GRIEVANCE FORM**

Step 1: In accordance with Town of Fountain Hills Personnel Policy 1402, the employee is responsible for instituting the first step of the grievance procedure without undue delay after becoming aware of, or being reasonably expected to be aware of, a violation of the Town of Fountain Hills' Personnel Rules and Regulations. The employee and the supervisor should make a good faith effort to informally resolve the grievance at Step 1 of the grievance process.

Step 2: I have informally discussed this situation with the appropriate supervisory staff, but have been unable to reach an acceptable resolution. I therefore submit a formal grievance to my immediate supervisor in accordance with Town of Fountain Hills Personnel Policy 1402.

Grievant's Name:	Job Title:	
Submitted to:	At Step II	Date:

**HISTORY AND FACTS OF GRIEVANCE:** Provide as much specific information as possible, including all pertinent names, dates and places. Indicate specifically which section of the Personnel Rules and Regulations you believe was violated. Attach additional sheets and supporting documentation if necessary.

**REMEDY SOUGHT:** State specifically what action(s) you are requesting to resolve your complaint.

Grievant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Step II – Supervisor’s Response:** Grievance response must be returned to the aggrieved employee within fifteen (15) calendar days of receipt. Attach additional sheets and documentation if necessary.

Step II – Supervisor’s Signature \_\_\_\_\_ Date: \_\_\_\_\_

**GRIEVANT’S ANSWER TO STEP II RESPONSE:**

I accept resolution at Step II:            Yes            No

Submitted to:	At Step III	Date:
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If answer is no, grievance must be submitted to Step III within five (5) calendar days of receipt of Step II response. Give specific reasons why the Step II response is unsatisfactory, and what further action(s) you are requesting to resolve your complaint.

Grievant’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Step III – Department Head’s Response:** Grievance response must be returned to the aggrieved employee within fifteen (15) calendar days of receipt. Attach additional sheets and documentation if necessary.

Step III – Department Head’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

GRIEVANT'S ANSWER TO STEP III RESPONSE:

I ACCEPT RESOLUTION AT Step III:                      Yes                      No

Submitted to:	At final step	Date:
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If answer is no, grievant may submit the grievance within five (5) calendar days of receipt of Step III, the grievance may be submitted to the Town Manager at the Final Step. Give specific reasons why the Step III response is unsatisfactory, and what further action(s) you are requesting to resolve your complaint.

GRIEVANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Final step – Town Manager's Response: The Town Manager's grievance response will be returned to the aggrieved employee within a reasonable amount of time to fully review the complaint. The Town Manager may respond using the grievance form OR by separate letter which will be attached to the grievance form.

TOWN MANAGER'S FINAL DECISION: As per Town of Fountain Hills Personnel Policy 1402, the decision of the Town Manager is final and is not subject to appeal.

TOWN MANAGER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Town of Fountain Hills  
Personnel Policies and Procedures**

**SECTION:** PROBLEM SOLVING AND GRIEVANCE PROCEDURES  
**POLICY:** COVERED/UNCOVERED POSITIONS  
**POLICY NO:** 1403  
**EFFECTIVE:** July 1, 2013  
**REVISED:**

**PURPOSE:** To distinguish covered and uncovered positions with respect to the Town's merit system in accordance with Town Code § 3-2-1

**STATEMENT OF POLICY:** The merit system regulating the conditions of employment and removal of employees of the Town (including grievance procedures established in Policy 1402) shall not apply to:

- elected officials;
- officers subject to appointment and removal by the council;
- consultants hired on a contract basis;
- contract employees;
- part-time employees whose regular work week is nineteen hours or less;
- non-permanent employees;
- volunteer workers who receive no regular compensation from the Town; and
- members of boards, committees and commissions established by the Council.