



MEMORANDUM

Date: August 2, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Additional Information for the Board of Supervisors August 15, 2022 Board Meeting
– Proposed Changes to Personnel Policy 8-119, *Rules of Conduct***

Current Merit System Rules provide that an employee can be disciplined and/or administratively suspended from work, without pay, when they are either convicted of a misdemeanor offense involving moral turpitude or a felony offense. (Merit System Rule 12.1(C)(9)). It additionally provides that an employee who is charged with a misdemeanor involving moral turpitude or other felony, may be suspended without pay or with reduced pay during the pendency of the charge. (Merits System Rule 12.3). Currently, the County does not have a mechanism in place for employees to report arrests, pending charges, or convictions. The proposed change will require employees to self-disclose to Human Resources such occurrences and for Human Resources to review the arrest, pending charge or conviction and determine whether the arrest, pending charge or conviction is job-related, thereby requiring Appointing Authority notification. Should an Appointing Authority be notified of such occurrences that could be job-related, no action will be taken against the employee, without the employee participating in a Pre-Action Meeting, as required by the Merit System Rules, thereby providing them with due process.

Additionally, in order to remain in compliance with our commitment to the Federal Drug-Free Workplace Act of 1988 and A.R.S. § 23-493 *et seq.*, in maintaining an alcohol and drug-free work environment, Section (Z)(11) would prohibit employees from consuming/ingesting alcohol, marijuana, or other drugs as identified in A.R.S. § 23-493, during their paid or unpaid breaks and lunch/meal periods. This also ensures protection of the safety, health, and well-being of all employees, volunteers and other individuals in the workplace.

JKL/dym

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator
Cathy Bohland, Director, Human Resources

Legislative Version

All County employees must observe the following basic work rule principles:

- A. Observe Personnel Policies and, for classified employees, Merit System Rules.
- B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.
- C. Do not abuse County leave policies, departmental break, rest, or lunch periods.
- D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.
- E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.
- F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.
- G. Follow established safety practices and report any accidents to the supervisor.
- H. Cooperate in keeping the work site clean and sanitary.
- I. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
- J. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.
- K. Be responsive to the citizens of the County at all times while performing any duties which are related to County employment, or whenever representing the County in any capacity.
- L. Prepare all records and reports truthfully and completely.
- M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.
- N. Report to the immediate supervisor all known mistakes, policy violations, or infractions of the Rules of Conduct.
- O. Report to the immediate supervisor any known willful damage, thievery, or unauthorized removal of County property.

- P. Do not engage in physical violence or threats of physical violence with fellow employees and the public.
- Q. Do not use abusive, profane, or obscene language or gestures or display obscene or offensive materials. Materials related to the health field which are determined to be of business necessity are excluded from this Policy.
- R. Do not make slurs and/or remarks concerning race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression or sexual orientation.
- S. Treat all co-workers and general public in a courteous manner.
- T. Report to **HUMAN RESOURCES ANY OCCURRENCE OF ARREST, NOTIFICATION OF A PENDING CHARGE, OR CONVICTION NO LATER THAN 5:00 P.M. ON THE NEXT BUSINESS DAY.** ~~immediate supervisor any criminal conviction of the employee that results from drug statute violations in the workplace. The report must be made no later than five (5) calendar days following such conviction.~~
- U. Follow Pima County Procurement Policy regarding acceptance of gifts.
- V. Do not engage in unethical or illegal behavior with minors who are employed with the County or who participate in any County program or activity.
- W. Do not engage in practical jokes or other activities commonly referred to as 'horseplay'. Horseplay is defined as behavior, essentially without malice, and usually involves, for example, rough, boisterous or rowdy physical interaction such as tripping, grabbing, wrestling, or scuffling and may be inconsistent with ordinary and reasonable common sense safety rules.
- X. Do not misuse County email systems for the purpose of producing, distributing, or forwarding content that:
1. Is discriminatory, harassing, or disruptive which includes, but is not limited to, content that is sexually explicit, derogatory or abusive; threatening images; cartoons, jokes, or inappropriate or profane language;
 2. Is demonstrably offensive, regardless of whether or not one or more recipients felt threatened, offended, or otherwise disturbed;
 3. Is not County-related business which includes, but is not limited to, chain letters, stories, petitions, warnings, pictures, and/or programs;
 4. Is sensitive, private, confidential or privileged which may include, but is not limited, to personnel matters or decisions, grievances and disciplinary actions; or
 5. May create the appearance of inappropriate use.

Y. Supervisory responsibilities include:

1. Ensuring that employees are informed regarding changes in County policy and working conditions.
2. Administering Pima County Merit System Rules, Personnel Policies and Administrative Procedures in a fair and equitable manner.
3. Ensuring that the work activity of subordinates is performed in an efficient manner and is of high quality.
4. Monitoring employee conduct for compliance with the Merit System Rules and Personnel Policies.
5. Modeling appropriate workplace behavior.
6. Distributing work in a fair and equitable manner, at the direction of their Appointing Authority.

Z. Prohibited conduct - County employees shall not:

1. Hold financial or personal interests that could negatively impact the interest of the County.
2. Use or attempt to use their official positions or confidential information for financial gain or for personal advantage.
3. Permit themselves to be placed under any kind of personal obligation or allow themselves to be put in any kind of situation which could lead any person to expect official or personal favors.
4. Give preferential treatment to any private organization or individual.
5. Engage in any outside employment as defined in Personnel Policy 8-111 or outside activities, including seeking and negotiating for employment, that conflict with official and assigned County duties and responsibilities.
6. Perform any act in a private capacity which could be considered to be an official act.
7. Accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, service, entertainment, or loan, which may, or may not, appear to be designed to influence the employee's official conduct. Specific provisions of vendor-related gift policies are set out in Board policies and Administrative Procedures.

8. Directly or indirectly use or allow the use of County property of any kind, including property leased by the County, for other than official or assigned duties.
9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.
10. Present to any County worksite, perform any County-related work tasks, or act in any capacity as a representative of the County while impaired by alcohol, marijuana, or any controlled substance, regardless of any valid and legal prescription from a doctor or authorized healthcare provider.
11. **CONSUME ALCOHOL AND/OR INGEST MARIJUANA OR DRUGS AS IDENTIFIED IN A.R.S. § 23-493, DURING UNPAID OR PAID MEAL/BREAKS, ON DAYS THEY ARE ASSIGNED TO AND ATTEND WORK.**

Clean Version

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- D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.
- E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.
- F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.
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- S. Treat all co-workers and general public in a courteous manner.
- T. Report to Human Resources any occurrence of arrest, notification of a pending charge, or conviction, no later than 5:00 p.m. on the next business day.
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9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.
10. Present to any County worksite, perform any County-related work tasks, or act in any capacity as a representative of the County while impaired by alcohol, marijuana, or any controlled substance, regardless of any valid and legal prescription from a doctor or authorized healthcare provider.
11. Consume alcohol and/or ingest marijuana or drugs as identified in A.R.S. § 23-493, during unpaid or paid meal/breaks, on days they are assigned to and attend work.