



Board of Supervisors Memorandum

December 16, 2014

Revisions to Merit System Rules and Personnel Policies

Attached are proposed revisions to Pima County Merit System Rules and Personnel Policies. Explanations for these proposed changes are noted below.

1. Merit System Rule 8 – Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail

MSR 8.1 B revised to provide that Pima County Corrections Officers serving initial probation shall be eligible to apply for Deputy Sheriff.

MSR 8.2 stipulates that a Pima County Corrections Officer who is promoted while on initial probation to Deputy Sheriff and who fails to successfully complete promotion probation shall be involuntarily demoted to Corrections Officer with the same salary previously held or may be terminated for failure to successfully complete initial probation.

2. Merit System Rule 10 – Probation

MSR 10.1 B stipulates that initial probation shall be suspended if a Corrections Officer who is serving initial probation promotes to Deputy Sheriff. If a Corrections Officer who so promoted is involuntarily demoted for failure to successfully complete promotion probation, initial probation shall be resumed and adjusted for a period equal to the amount of time served as a Deputy Sheriff.

MSR 10.2 C stipulates that only permanent employees who are demoted for non-disciplinary reasons and who fail demotion probation shall be laid off.

3. Personnel Policy 8-102 – Premium Pay

8-102 G.3 clarifies that shift differential pay is paid only on hours worked.

Recommendation

I recommend the Board of Supervisors approve the Merit System Rule and Personnel Policy modifications outlined above to become effective on December 16, 2014.

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Revisions to Merit System Rules and Personnel Policies**
December 16, 2014
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Huckelberry". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

C.H. Huckelberry
County Administrator

CHH/mjk – December 3, 2014

Attachments

c: Allyn Bulzomi, Director, Human Resources

8.1 PROMOTION

- A. Departments are encouraged to fill all vacancies by promotion.
- B. An employee serving initial probation shall be eligible to apply for promotion only after successful completion of initial probation, **EXCEPT THAT PIMA COUNTY CORRECTIONS OFFICERS SERVING INITIAL PROBATION SHALL BE ELIGIBLE TO APPLY FOR DEPUTY SHERIFF.**
- C. Promotions shall be competitive and the selection made from applicants who have been identified/certified by Human Resources.
- D. Failure of promotion probation may result in layoff.

8.2 DEMOTION

A. Involuntary

1. An ~~AN~~ **PERMANENT** employee who fails to successfully complete promotion probation may be involuntarily demoted to a position with the same classification and to the same salary previously held. The demoted employee shall be placed into his/her previous position if the position is vacant. If the previous position has been filled on a permanent basis, the employee shall be placed into a vacant position in the current department with the same classification and salary previously held. If such a placement action cannot be made, the employee shall be laid off from the classification to which demoted and within the present department. ~~An employee demoted under this section shall have no right of appeal.~~

A CORRECTIONS OFFICER WHO PROMOTES TO DEPUTY SHERIFF WHILE ON INITIAL PROBATION AND WHO FAILS TO SUCCESSFULLY COMPLETE PROMOTION PROBATION SHALL BE INVOLUNTARILY DEMOTED TO CORRECTIONS OFFICER WITH THE SAME SALARY PREVIOUSLY HELD OR MAY BE TERMINATED FOR FAILURE TO SUCCESSFULLY COMPLETE INITIAL PROBATION AS SET FORTH IN THESE RULES.

AN EMPLOYEE DEMOTED UNDER THIS SECTION SHALL HAVE NO RIGHT OF APPEAL.

2. An employee may be involuntarily demoted for a disciplinary reason in accordance with Rule 12.

8.2 B. Voluntary

1. If an employee makes a written request for a voluntary demotion within his/her current department, the Appointing Authority may make the demotion non-competitively if the employee meets the minimum qualifications. An employee demoted under this section shall have no right of appeal.
2. An employee may voluntarily demote through the competitive process. An employee serving initial probation shall be eligible to apply for voluntary demotion only after successful completion of initial probation. The employee shall have no right of appeal.
3. If an employee sustains a job-related injury or illness which precludes working in the current classification, the Appointing Authority may, upon written request of the employee, grant the employee a demotion non-competitively if the employee meets the minimum qualifications. An employee demoted under this section shall have no right of appeal.

8.3 REAPPOINTMENT

- A. An employee may be offered reappointment competitively within the same department to a position of another classification with the same starting salary as the classification currently held; or to a position in another department of any classification with the same starting salary as the classification currently held. An employee serving initial probation shall be eligible to apply for reappointment only after successful completion of initial probation.
- B. An employee may be offered reappointment non-competitively within the County system at the discretion of the County Administrator.
- C. At the discretion of the County Administrator, in consultation with Risk Management, an employee may be offered reappointment non-competitively within the County system to a position of the same classification, or another classification with the same or lower starting salary, if the employee has sustained a work-related injury precluding the employee from working in the current assignment. The employee must satisfactorily meet the minimum qualifications and physical requirements, with or without reasonable accommodation, for the reappointment.
- D. The County Administrator may offer an employee a reappointment non-competitively within the County system if Human Resources determines that the employee is a qualified individual with a disability, who is seeking reappointment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.4 OPEN RANGE REAPPOINTMENT

- A. An employee may be offered an open range reappointment competitively from or to a position with a discrete grade to or from a position with an open salary range. An employee serving initial probation shall be eligible to apply for open range reappointment only after successful completion of initial probation.
- B. An employee may be offered an open range reappointment non-competitively within the County system at the discretion of the County Administrator.
- C. At the discretion of the County Administrator, in consultation with Risk Management, an employee may be offered an open range reappointment non-competitively within the County system to a position of the same classification, or another classification with the same or lower starting salary, if the employee has sustained a work-related injury precluding the employee from working in the current assignment. The employee must satisfactorily meet the minimum qualifications and physical requirements, with or without reasonable accommodation, for the open range reappointment.
- D. The County Administrator may offer an employee an open range reappointment non-competitively within the County system if Human Resources determines that the employee is a qualified individual with a disability, who is seeking open range reappointment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.5 REASSIGNMENT

- A. An Appointing Authority has the authority to make competitive or non-competitive reassignments within the department.
- B. The County Administrator may offer an employee a reassignment non-competitively if Human Resources determines that the employee is a qualified individual with a disability, who is seeking reassignment to a position for which he/she is qualified, as an accommodation for his/her disability.

8.6 DETAIL

- A. When the services of an employee are needed temporarily for more than fifteen (15) work days in a position other than the position to which regularly assigned, the employee may be non-competitively detailed to that position for a period of up to six (6) months. An Appointing Authority may renew a detail assignment for up to an additional six (6) months with the approval of the Human Resources Director.

Effective Date:

- 8.6 B. An employee is eligible for detail into a non-tested classification only if that employee meets the minimum qualifications of the classification upon detailing or upon completion of the detail assignment. An employee is eligible for detail into a tested classification only if he/she meets the minimum test scores prior to beginning the detail assignment. Temporary and intermittent employees and employees in trainee status are not eligible to serve detail assignments.
- C. A detail assignment may be ended by the Appointing Authority at any time, at which point the employee will be returned to his/her regularly assigned position and salary. An employee whose detail assignment has ended shall have no right of appeal.

8.7 EFFECTIVE DATE

The effective date for actions defined in Rule 8 shall be the first day of the pay period following the County Administrator's approval, unless otherwise addressed in policy or by Board of Supervisors directive. The effective date for actions defined in Rule 8 not requiring County Administrator approval shall be the first day of a pay period.

10.1 GENERAL PROVISIONS

- A. Probation within County employment shall be for a period of twelve (12) months and may not be extended but may be adjusted in accordance with 10.1.B below.
- B. If an employee uses more than eighty (80) consecutive working hours of leave, is placed on leave, or is placed on restricted or limited duty status due to a work related or non-work related injury during any period of probation, the probation shall be adjusted for a period equal to the number of hours of leave used or the number of days on restricted or limited duty.

IF A CORRECTIONS OFFICER WHO IS SERVING INITIAL PROBATION PROMOTES TO DEPUTY SHERIFF, INITIAL PROBATION AS A CORRECTIONS OFFICER SHALL BE SUSPENDED. IF A CORRECTIONS OFFICER WHO SO PROMOTED IS INVOLUNTARILY DEMOTED FOR FAILURE TO SUCCESSFULLY COMPLETE PROMOTION PROBATION, INITIAL PROBATION AS A CORRECTIONS OFFICER SHALL BE RESUMED AND ADJUSTED TO OMIT TIME SERVED AS A DEPUTY SHERIFF.

- C. Initial probation for Sheriff's 9-1-1 Dispatchers shall be eighteen (18) months and subject to adjustment pursuant to paragraph B. above.
- D. Trainee Program

New hires and unclassified employees hired under the provisions of the Pima County Trainee Program who are non-competitively transitioned into the full performance classification shall serve twelve (12) months initial probation. Regular employees who were serving initial appointment probation prior to becoming a trainee will be required to complete their suspended initial appointment probation period upon transition into the position.

- E. An employee who fails any type of probation or the Trainee Program has no right of appeal.

10.2 TYPES OF PROBATION

- A. Initial Appointment

An employee shall serve probation following initial appointment as a regular employee. Upon completion of initial probation, the employee shall automatically achieve permanent status in County employment, unless otherwise notified in writing, prior to the end of probation, by the Appointing Authority.

10.2 B. Promotion

1. An employee who is promoted shall be required to serve promotion probation.
2. The permanent status of an employee shall not be affected by serving promotion probation, and the employee shall be eligible for any other type of action during this period.
3. A promoted employee who fails promotion probation shall be subject to involuntary demotion.

C. Demotion

1. A demoted employee may be required to serve probation in the position to which demoted.
2. The permanent status of an employee shall not be affected by serving demotion probation, except that an employee demoted for a disciplinary reason who fails demotion probation shall be dismissed.
3. An **PERMANENT** employee demoted for a non-disciplinary reason who fails demotion probation shall be laid off from the present position to which demoted. In such circumstances the laid-off employee is not eligible for reinstatement to the position from which laid off.

D. Reemployment

Any laid-off employee who is reemployed shall be required to serve initial probation and shall not become permanent until probation is successfully completed.

E. Reinstatement

1. Any laid-off employee who is reinstated shall regain permanent status and may be required to serve probation pursuant to Section 10.1 A. of this Policy.
2. A reinstated employee who fails reinstatement probation shall be eligible for reinstatement for the duration of the reinstatement period. The employee shall be eligible and may be considered for reinstatement to another position in the same classification within the same department.

- 10.2 E. 3. A terminated employee reinstated by order of the Merit System Commission shall not be required to serve probation.

F. Reappointment/Open Range Reappointment

1. A reappointed employee may be required to serve probation in the position to which reappointed.
2. The permanent status of the employee shall not be affected by serving reappointment probation, and the employee shall be eligible for any other type of action during this period.
3. A reappointed employee who fails to successfully complete reappointment probation may return to a position with the same classification and to the same salary previously held.
 - a. If such a vacant position exists in the employee's present department, the Appointing Authority may place the employee in that position and may require the employee to serve probation. Failure to complete this probation shall result in layoff.
 - b. If no such vacancy exists in the present department, the previous department, if applicable, may place the employee in his/her previous position if vacant.
 - c. If no placement action is made, the employee shall be laid off from the classification previously held and within the present department.

G. Rehire

A rehired employee who was formerly a permanent status Corrections Officer, Sheriff's 9-1-1 Call Taker or Sheriff's 9-1-1 Dispatcher who resigned in good standing as provided for in these Rules shall serve a probation period as provided in Section 10.1 A. above.

10.3 PROBATION PERIOD CREDIT

Probation period credit shall be granted only for continuous service in the classification to which appointed. In no case shall the probation period credit received exceed the number of hours worked in that classification.

10.3 A. Detail

When an employee is detailed into a position of a higher classification, the time served may be applied to the required promotion probation upon a competitive appointment into that position.

B. Temporary

When a temporary employee is competitively appointed as a regular employee, any portion of service in the same classification may be applied to the required initial probation if no break in service results from the change of status.

A. Definitions

1. "Premium pay" means compensation in addition to an employee's normal pay and includes the following: overtime pay, compensatory time, callback pay, on-call pay, holiday pay, shift differential pay, and special assignment pay.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law.
3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday. An employee on a leave of absence without pay and who is using catastrophic leave time is not eligible for the holiday benefit.

B. Exclusions from Premium Pay

The following are not eligible for premium pay except that an Appointing Authority shall receive the holiday benefit as provided herein.

1. Elected Officials;
2. Appointing Authorities; and
3. Anyone who is not an employee on County payroll.

C. Overtime

1. An employee eligible for overtime shall be compensated for overtime hours worked by either one of the following methods, at the discretion of the Appointing Authority:
 - a. By payment at one and one-half (1½) times the employee's current hourly rate;
 - b. By compensatory time at a rate of one and one half (1½) hours off for each hour of overtime worked and not paid.
2. The following are not eligible for overtime:
 - a. Elected Officials;
 - b. Members of the personal staff of Elected Officials;

- C. 2. c. Persons appointed by Elected Officials to serve on a policy-making Board or Commission;
 - d. Advisors to Elected Officials with respect to the constitutional or legal powers of their office;
 - e. Employees classified as Executive (E), Administrative (A), or Professional (P), under the Fair Labor Standards Act, except those (E, A, or P) employees designated as eligible for overtime under the County's classification system.
- 3. Employees shall work overtime only when authorized by the Appointing Authority or designee. Overtime shall be allocated as evenly as possible among all employees qualified to do the work. While preference may be given to those employees who wish to volunteer for the work, all employees are required to work overtime when requested to do so.
 - 4. Compensatory time shall not accumulate in excess of one hundred twenty (120) hours. An employee eligible for overtime who has one hundred twenty (120) hours of accrued compensatory time is to be paid for future authorized overtime worked. If compensatory time is accrued, it cannot be converted back to pay except as provided in the termination policy or other directive from the Board of Supervisors. The Appointing Authority shall establish procedures for timely usage of compensatory time accrued.
 - 5. An employee who transfers from one County department to another shall retain any accumulated compensatory time. An employee who changes from one employment type to another shall retain any accumulated compensatory time and shall be eligible to use and/or accrue compensatory time in accordance with his/her current employment type.

D. Callback Pay

An employee eligible for overtime compensation shall be eligible to receive callback pay. An eligible employee who has left a place of work and is called back to work before his/her next regularly scheduled work shift shall receive a minimum of two (2) hours of pay if reporting back to the worksite or a minimum of fifteen (15) minutes of pay for problem resolution by telephone. Callback pay applies in emergency circumstances only. The callback period shall begin when the employee is notified to return to work. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive callback pay.

- 1. The employee must report as soon as possible to the worksite. The callback period ends when the employee completes the job assignment. If the employee's private car is used for transportation in a callback situation, mileage shall be paid at the approved rate. Callbacks shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to work if called back.

- D. 2. If the employee is able to resolve the problem by telephone and is not required to report to the worksite, he/she shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received.

E. On-Call Pay

An employee eligible for overtime compensation shall be eligible to receive on-call pay. The eligible employee shall be designated by the Appointing Authority to be on call and available for immediate contact for a specific period of time and particular purpose. Being available for immediate contact does not constitute on call unless the employee has been designated on call as above. On-call pay shall be paid at the rate of one dollar and thirty cents (\$1.30) per hour of on-call duty. On-call pay may not be coincident with any other pay except for paid holidays. Location of the employee for on-call duty shall be at the employee's discretion, with the stipulation that immediate contact can be made and that the employee must be able to report fit for duty within one (1) hour, unless other conditions require a shorter period. On-call duty shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to be on call when requested. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive on-call pay.

F. Holidays

1. Pima County recognizes the following actual holidays:

(1)	January 1	New Year's Day
(2)	Third Monday in January	Martin Luther King, Jr. Day
(3)	Third Monday in February	Presidents' Day
(4)	Last Monday in May	Memorial Day
(5)	July 4	Independence Day
(6)	First Monday in September	Labor Day
(7)	November 11	Veterans' Day
(8)	Fourth Thursday in November	Thanksgiving Day
(9)	Friday after the Fourth Thursday in November	
(10)	December 25	Christmas Day

County offices shall be closed on each of the ten (10) actual holidays listed above. If actual holidays 1, 5, 7, or 10 fall on a Sunday, the holiday shall be designated as observed for pay purposes on the following Monday. If actual holidays 1, 5, 7, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.

F. 2. If possible, employees eligible for the holiday benefit, including temporary employees, shall be given time off with pay for each recognized holiday, either on the day the holiday is observed or within the work week in which the holiday falls. Full-time employees shall receive no more than eight (8) hours of time off. Variable-time, part-time employees and employees on reduced schedule leave under ADA shall receive a prorated amount of time off based on their work schedule. For non-exempt employees, holiday benefit hours are paid based on their work schedule. Exempt employees will receive their regular salary for a pay period in which the holiday falls. Intermittent employees, as defined in Merit System Rule 1, are not eligible for the holiday benefit, but may receive holiday pay.

3. If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off within the work week, the employee shall receive the pay he/she would have received for the holiday benefit plus the following holiday pay:

Actual or Observed Holiday - 1½ times regular pay rate for time worked, minimum two (2) hours.

If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off within the work week, he/she shall receive holiday pay for holiday hours worked. The employee may be granted annual leave or compensatory time off within the pay period and still remain eligible to receive holiday pay for holiday hours worked.

If an exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off, the employee shall receive the pay he/she would have received for the holiday benefit and he/she shall be credited, in the form of straight-time compensatory time, with the number of hours worked on the holiday, not to exceed eight (8) hours.

4. If more than half of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.

5. Holiday Benefit & Workers' Compensation

a. An employee eligible for the holiday benefit, who elects to use annual leave, sick leave, or compensatory time to supplement workers' compensation benefits, shall receive as holiday benefit the equivalent to the daily amount of compensatory time or leave banks utilized to supplement worker's compensation benefits.

- F. 5. b. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive the holiday benefit based on his/her work schedule.
6. An employee eligible for the holiday benefit, who is on an approved medical leave of absence without pay, and who chooses to use his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.
7. An employee eligible for the holiday benefit, who is on an approved leave of absence under the Family and Medical Leave Act, and who is using his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

To qualify for shift differential pay, scheduled hours must consistently meet the criteria in 1.a and 1.b below. Qualifying departments are listed on Attachment I to this policy.

1. Definitions
 - a. "Evening shift" means a work shift in which more than half of the hours worked fall between 5 p.m. and midnight.
 - b. "Night shift" means a work shift in which more than half of the hours worked fall between midnight and 8 a.m.
2. A non-exempt employee, as established by Merit System Rule 1, who works an evening or night shift as defined in G.1, shall receive shift differential pay of sixty cents (\$0.60) per hour for evening shift and sixty-five cents (\$0.65) per hour for night shift, in addition to the current hourly rate for each hour worked on the shift. Eligible employees shall receive shift differential pay for all hours worked on the shift for which they are scheduled as defined in G.1 above.
3. Only eligible employees who are actually working (i.e., not using annual leave, sick leave, compensatory time, ~~or~~ any type of paid leave, **OR RECEIVING HOLIDAY BENEFIT**) are eligible for shift differential pay.

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall annually submit a request to the County Administrator with justification for the special assignment pay no later than July 1.

I. Attachment(s)

Changes may be made to attachment(s) to this policy by Human Resources, with County Administrator approval.

ATTACHMENT I, Pima County Personnel Policy 8-102

Departments with Evening & Night Shifts

County Attorney's Office (Criminal Division Legal Processing Support Unit)
Facilities Management
Health (Animal Care)
Information Technology
Library
Medical Examiner
Regional Wastewater Reclamation
Sheriff
Transportation