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# Board of Supervisors Memorandum

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March 4, 2014

## Revisions to Personnel Policies

Attached are proposed revisions to Pima County Personnel Policies. Elected officials, department directors, employee groups and the Merit System Commission recommend these changes as presented for approval by the Board of Supervisors.

Explanations for these proposed changes are summarized below.

### 1. Personnel Policy 8-102 – Premium Pay

8-102 A.2 deletes irrelevant language pertaining to hospitals and/or residential care establishments due to the transition of Pima Health System (PHS) and the sale of the Posada del Sol Healthcare Facility (PDS).

8-102 A.4 deletes extraneous definition of "work week" already defined in Merit System Rule 1.

8-102 A.5 adds clarifying language to the definition of "holiday benefit" that employees on leave of absence without pay who are using Catastrophic Leave are not eligible for the holiday benefit.

8-102 G.3 clarifies the eligibility standards for receipt of shift differential pay and deletes irrelevant language due to the transition of Pima Health System.

8-102 I Medical Services Pay is deleted in its entirety.

8-102 J Attachments is deleted in its entirety and ATTACHMENTS I and II are deleted due to the transition of PHS, the sale of PDS, and the deletion of 8-102 I – Medical Services Pay.

### 2. Personnel Policy 8-105 – Annual Leave

8-105 G Catastrophic Leave Program clarifies the eligibility standards for receipt of catastrophic leave to conform to the CAT Leave Bank Administrative Procedure.

### 3. Personnel Policy 8-106 – Sick Leave

8-106 D.4 Use of Sick Leave clarifies that use of sick leave for Family Medical Leave is provided for by the administrative procedures that comply with the Family Medical Leave Act. D.4.b is deleted as a result of the clarifying language in D.4.a. Subsequent sections are re-lettered.

8-106 G Catastrophic Leave Program clarifies the eligibility standards for receipt of catastrophic leave to conform to the CAT Leave Bank Administrative Procedure.

4. Personnel Policy 8-117 – Pay Plan

8-117 J clarifies in writing that the salary for an employee reappointed to a position of a lower compensation/salary grade shall be set in the same manner as entrance salary (Personnel Policy 8-117-C) unless the County Administrator approves placement at a higher rate. It further clarifies that an employee's salary shall not be decreased when reappointed to a position of the same compensation/salary grade.

8-117 Q.2 adds Subsection J (Reappointment) to the list of compensation actions whose effective dates shall be the first day of a pay period.

5. Personnel Policy 8-118 – Personnel Records

8-118 B.2 "assuring" is changed to "ensuring" for grammatical correctness.

8-118 H.4 "assure" is changed to "ensure" for grammatical correctness.

6. Personnel Policy 8-119 – Rules of Conduct

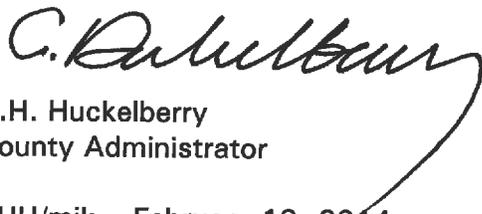
8-119 X.1 "assuring" is changed to "ensuring" for grammatical correctness.

8-119 X.3 "assuring" is changed to "ensuring" for grammatical correctness.

Recommendation

I recommend the Board of Supervisors approve the Personnel Policy modifications outlined above to become effective on March 4, 2014.

Respectfully submitted,



C.H. Huckelberry  
County Administrator

CHH/mjk – February 19, 2014

Attachments

c: Allyn Bulzomi, Director, Human Resources

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, special assignment pay, and medical services pay.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law. For purposes of computing overtime hours, in addition to hours worked, annual leave and compensatory time used shall be included. Sick leave, bereavement leave, and administrative leave do not count as hours worked for the purpose of computing overtime. The holiday benefit is to be included as time worked only if it is part of the normally scheduled work week.

~~At the option of an Appointing Authority, the "8 and 80" definition of overtime may be utilized for hospitals and/or residential care establishments as provided in Section 207 (j and k) of the Fair Labor Standards Act.~~

3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. ~~"Work week" means seven (7) consecutive twenty four (24) hour periods. Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday, unless otherwise designated by the Appointing Authority.~~
54. "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 a 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. 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.
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 through a pager 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.

2. If possible exempt and non-exempt 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 eight (8) hours of time off and variable-time, part-time employees and employees on intermittent or reduced schedule leave under FMLA shall receive a prorated amount of time off. For non-exempt employees, holiday benefit hours are based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. The prorated calculation shall be ten percent (10%) of the regular hours paid. 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 an 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 plus the following holiday pay:

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

- F. 3. If an employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off, he/she shall receive holiday pay for holiday hours worked. At the discretion of the Appointing Authority, the employee may be granted annual leave or compensatory time off and still remain eligible to receive holiday pay for holiday hours worked. Pursuant to A.2 above, annual leave and compensatory time are included in hours worked for the purpose of computing overtime.
4. If half or more of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.
5. If mutually agreeable to both Appointing Authority and employee, a non-exempt employee eligible for the holiday benefit may be given time in lieu of holiday pay for all hours worked on the holiday. These hours must be used within six (6) months from the time of their accrual or the County shall invoke its option to pay the employee for the accrued time.
6. 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 a prorated amount of holiday benefit based on the number of accrued leave or compensatory time hours used in the same pay period.
7. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive a prorated amount of holiday benefit based on the number of hours paid in the same pay period.
8. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit hours based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.
9. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

1. Definitions

- a. "Day shift" means a work shift between 8 a.m. and 5 p.m.
- b. "Evening shift" means a work shift between 5 p.m. and midnight.
- c. "Night shift" means a work shift 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, or any portion thereof, shall be eligible to 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. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of sixty-five cents (\$0.65) per hour.

3. **ONLY ELIGIBLE EMPLOYEES WHO ARE ACTUALLY WORKING (I.E., NOT USING ANNUAL LEAVE, SICK LEAVE, COMPENSATORY TIME, OR ANY TYPE OF PAID LEAVE) ARE ELIGIBLE FOR SHIFT DIFFERENTIAL PAY.** ~~A non-exempt employee of Pima Health Care System in a classification listed on Attachment I below, who works an evening or night shift, or any portion thereof, shall be eligible to receive shift differential pay of seven percent (7%) of the salary minimum of the open range for the classification of Patient Care Services Level II for evening shift and eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II for night shift, in addition to the current hourly rate for each hour worked on the shift. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II.~~

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who work evening or night shifts, perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall submit a request to the County Administrator with justification for the special assignment pay.

I. Medical Services Pay

- ~~1. Non-exempt medical care employees who provide immediate and direct patient care for one (1) or more patients, and whose classifications are listed on Attachment II, shall receive medical services pay at the rate of one dollar and seventy five cents (\$1.75) per hour, while waiting to be engaged to work. Medical services pay may not be coincident with any other pay except for paid holidays. Employees may not be designated to receive medical services pay on a continuous basis for more than one (1) pay period, unless exempted by the County Administrator.~~
- ~~2. Eligible employees shall be designated by the Appointing Authority or designee and shall be available to report to work within thirty (30) minutes of being called. Employees who fail to report within the specified time-frame shall forfeit their medical services pay and may be subject to termination.~~
- ~~3. Employees who report to work and provide direct patient care services in a medical setting shall be paid at a rate equal to one and one half (1½) times their regular rate of pay for all hours worked, with a minimum of two (2) hours pay.~~
- ~~4. Employees who turn in or pick up required medical documentation, and who do not provide direct patient care services in a medical setting, shall receive straight time for all hours worked up to forty (40) hours per work week. Any hours worked over forty (40) in any work week shall be paid at the standard overtime rate of one and one half (1½) times the employee's regular rate of pay.~~
- ~~5. Any employee eligible for medical services pay who is able to resolve the problem by telephone, and is not required to report to work, shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received. Telephone resolution shall be paid at the employee's regular rate of pay, unless overtime provisions prevail.~~
- ~~6. The work period shall begin when the employee reports to work and shall end when the employee completes the job assignment. Employees who report to work under the medical services pay policy are not entitled to reimbursement for transportation or mileage costs.~~

J. Attachments

- ~~Positions may be added to or deleted from the Attachment(s) to this Policy by Human Resources, with County Administrator approval.~~

~~ATTACHMENT I, PIMA COUNTY POLICY 8-102  
(SHIFT DIFFERENTIAL - COUNTY WIDE)~~

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
<del>LPN</del>	<del>4131</del>
<del>LPN Team Leader</del>	<del>4133</del>
<del>Patient Care Services II</del>	<del>4146</del>

~~ATTACHMENT II, PIMA COUNTY POLICY 8-102  
(MEDICAL SERVICES PAY - COUNTY WIDE)~~

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
<del>Nursing Assistant - Certified</del>	<del>4111</del>
<del>Mental Health Technician</del>	<del>4117</del>
<del>Licensed Practical Nurse</del>	<del>4131</del>
<del>Patient Care Services II</del>	<del>4146</del>
<del>Respiratory Therapist</del>	<del>4173</del>
<del>Senior Respiratory Therapist</del>	<del>4174</del>
<del>Physical Therapist</del>	<del>4183</del>

A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue annual leave from date of appointment.
2. New hire employees hired under the Pima County Trainee Program are eligible to accrue annual leave from date of appointment.
3. Temporary employees extended beyond the first six (6) months of employment shall accrue and may use annual leave beginning with the pay period following six (6) months of continuous and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with annual leave from original date of hire.
4. Annual leave shall accrue during any approved leave of absence with pay.
5. Annual leave shall not accrue during any leave of absence without pay or suspension without pay.
6. For the purpose of annual leave rate of accrual, no credit shall be allowed or given to establish years of service using prior employment with Pima County where there was a break in service, except for reinstatement or reemployment, as defined in these Merit System Rules and Personnel Policies.

B. Rate of Accrual

An eligible employee shall accrue annual leave as follows:

1. A full-time employee with fewer than three (3) years of service (established by anniversary date) shall accrue twelve (12) days of annual leave per year at the rate of three and seven-tenths (3.7) hours per pay period.
2. A full-time employee with three (3) to seven (7) years of service (established by anniversary date) shall accrue fifteen (15) days of annual leave per year at the rate of four and sixty-five hundredths (4.65) hours per pay period.
3. A full-time employee with seven (7) to fifteen (15) years of service (established by anniversary date) shall accrue eighteen (18) days of annual leave per year at the rate of five and fifty-five hundredths (5.55) hours per pay period.

- B.
4. A full-time employee with more than fifteen (15) years of service (established by anniversary date) shall accrue twenty-one (21) days of annual leave per year at the rate of six and forty-seven hundredths (6.47) hours per pay period.
  5. A part-time or variable-time employee shall accrue annual leave at a pro-rated amount of the full-time employee accrual rate (as set forth in paragraphs B.1-4 above) based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon catastrophic leave bank hours will not be pro-rated or calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated annual leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

C. Annual Accumulation

1. An eligible employee may carry over, from one (1) consecutive twelve (12) month period (established by anniversary date) to the next, a maximum of two hundred forty (240) hours of annual leave. Credit in excess of two hundred forty (240) hours becomes void at the end of the payroll period in which the employee's anniversary date falls. At the discretion of the Appointing Authority and with the specific approval of the County Administrator, an employee may retain annual leave in excess of two hundred forty (240) hours.
2. The sick leave hours converted to annual leave for payout purposes as specified in 8-106.H, I and J shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

D. Use of Annual Leave

1. An eligible employee in the classified service may use annual leave after completion of six months of initial probation. Accrued annual leave may be used prior to completion of six months of initial probation for a job-related illness or job-related injury. New hire trainees who have completed six (6) months of the Pima County Trainee Program may use annual leave in the same manner as those in the classified service. Unclassified employees or employees not subject to initial probation may use annual leave upon accrual.
2. Accruals earned at the end of the current pay period are not available for use until the following pay period.

- D.
3. Annual leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using annual leave.
  4. All employees are encouraged to take a two-week vacation per year for the purpose of rest and recuperation.
  5. An Appointing Authority may require that an employee postpone or change scheduled annual leave for good cause.
  6. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued annual leave for absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use annual leave for absences of less than a full work day.
  7. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.

E. Leave Requests

Unless waived by the Appointing Authority, an employee shall submit a written request for approval of annual leave at least two (2) weeks in advance of the intended absence and indicate the dates and duration of the requested annual leave. The Appointing Authority or designee shall respond to such request within one (1) week of receipt.

F. Disposition of Accrued Leave

An employee who transfers from one County department to another shall retain any accumulated annual leave. An employee who changes from one employment type to another shall retain any accumulated annual leave and shall be eligible to use and/or accrue annual leave in accordance with his/her current employment type.

G. Catastrophic Leave Program

An employee may ~~donate~~**CONTRIBUTE** a portion of his/her annual leave to the catastrophic leave bank. An eligible employee who is experiencing ~~serious medical hardship or catastrophic illness~~**CATASTROPHIC CIRCUMSTANCES** may apply for and receive catastrophic leave provided:

1. The recipient is enrolled in the catastrophic leave program.
2. The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA) **AS SET FORTH IN COUNTY ADMINISTRATIVE PROCEDURES**. As the FMLA criteria change, so will the catastrophic leave criteria.
3. The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
4. There is a positive balance in the catastrophic leave bank.

After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.

Implementation and administration of the catastrophic leave program are set out by administrative procedures.

Denial of a request for leave hours from the catastrophic leave bank is not grievable or appealable.

H. Transfer of Accrued Annual Leave Hours to Sick Leave

In order to prevent the loss of annual leave (established by anniversary date) and supplement the accrual of sick leave, a permanent employee may transfer any amount of accrued annual leave hours in excess of two hundred forty (240) to sick leave. Transfer of excess annual leave hours to sick leave is done only at the written request of the employee. Requests must be made to the Appointing Authority within thirty (30) calendar days prior to the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed.

A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue sick leave from date of appointment. New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.
2. A temporary employee extended beyond the first six (6) months of employment shall accrue and may use sick leave beginning with the pay period following six (6) months of continuous service and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with sick leave from original date of hire.
3. Sick leave shall accrue during any approved leave of absence with pay.
4. Sick leave shall not accrue during any leave of absence without pay or suspension without pay.
5. Upon returning to County employment, an employee who retired from Pima County with fewer than 241 hours of unused sick leave hours is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
6. Upon returning to County employment, any employee who converted sick leave hours to annual leave for payout purposes is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
7. An employee who is reinstated or reemployed and did not convert sick leave hours to annual leave for payout purposes shall, upon passing initial probation or earlier when probation does not apply, regain the accrued sick leave hours held at the time of termination.

B. Rate of Accrual

1. An eligible full-time employee shall accrue sick leave at the rate of three and seven tenths (3.7) hours per pay period.
2. An eligible part-time or variable-time employee shall accrue sick leave at a pro-rated amount of three and seven tenths (3.7) hours per pay period based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon catastrophic leave bank hours will not be pro-rated or calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated sick leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

C. Accumulation

An employee may accumulate sick leave up to a maximum of one thousand nine hundred twenty (1,920) hours. Any accumulation in excess of this maximum shall not be credited to the employee.

D. Use of Sick Leave

1. An eligible employee may use sick leave after three (3) months of continuous service. Accrued sick leave may be used prior to the first three (3) months of service for a job-related injury or job-related illness.
2. Accruals earned at the end of the current pay period are not available for use until the following pay period.
3. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued sick leave for absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use sick leave for absences of less than a full work day.
4. Sick leave may be used for:
  - a. Illness of the employee or any surgical, medical, or dental care for the employee. An employee who requires leave for medical reasons may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993, Personnel Policy 8-108 G. **USE OF SICK LEAVE FOR FMLA REASONS IS PROVIDED FOR BY ADMINISTRATIVE PROCEDURES WHICH COMPLY WITH THE FAMILY AND MEDICAL LEAVE ACT.** ~~Both exempt and nonexempt employees are required to use all available accrued sick leave when on intermittent or full time FMLA leave.~~
  - ~~b. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.~~
  - eB. The illness of a spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, domestic partner or child of a domestic partner. The employee must file an affidavit with the department in order to take sick leave for the illness of the domestic partner or child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the

Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

- d. Use of sick leave as defined in ~~e.~~ above is for a combined maximum of forty (40) hours per year (established by anniversary date). An employee who must care for a seriously ill spouse, child, or parent as defined in the Family and Medical Leave Act may be eligible for FMLA leave.
  - eC. Parental reasons, such as court appearance, registration of child(ren) for school, teacher conference, or adoption procedure that can only be scheduled during business hours. Paternity leave is included under leave for parental reasons for those employees not eligible for paternity leave under FMLA, Personnel Policy 8-108 G. Leave for parental reasons should be requested in advance, when possible. Leave for parental reasons is included in and not in addition to the forty (40) hour maximum cited in Paragraph 3.d. above.
  - fD. The birth and/or care of a child, or the placement of a child for adoption, foster care, or other legal custody. Employees who request leave for these reasons may be eligible for FMLA leave, Personnel Policy 8-108 G.
  - gE. Attendance at court proceedings under the Arizona Victim Leave Law, as detailed in Personnel Policy 8-108 H.
5. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using sick leave.
  6. An employee using annual leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.
  7. In order to discourage excessive use of sick leave, an eligible employee may convert up to a maximum of fifty-six (56) hours of the unused portion of sick leave accrued during the current year (established by the end of the pay period in which the anniversary date falls) to annual leave at the employee's request. Any sick leave used during the current anniversary year will be deducted from the fifty-six (56) hour maximum to determine the amount available for conversion. (EXAMPLE: If only eight (8) hours of sick leave have been used during the anniversary year, the employee may transfer up to forty eight (48) hours of sick leave to annual leave. If fifty-six (56) or more hours of sick leave have been used during the anniversary year, the employee cannot transfer any sick leave hours to annual leave).

- D. 7. Transfer of sick leave hours to annual leave is done only at the written request of the employee. Requests must be made to payroll within thirty (30) calendar days after the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed. This transfer applies to all permanent employees and to deputy sheriffs who have completed one (1) year of their initial probation, including those who have two hundred forty (240) or more hours accrued on their anniversary date, after the adjustment to two hundred forty (240) hours has been made.

As an equivalent to full-time conversion, part-time and variable-time employees are eligible to convert fifty-eight percent (58%) of sick leave hours accrued during the current year (established by the end of the pay period in which the anniversary date falls), less any sick leave used, to annual leave.

E. Leave Requests

To utilize sick leave, an employee must:

1. Report promptly to his/her immediate supervisor or department, giving the reason for the absence.
2. Keep the immediate supervisor or the department informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with the above may constitute an unauthorized absence without pay.
3. Provide the department written verification from a recognized physician or medical practitioner for use of sick leave lasting more than three (3) work days. Unless waived by the Appointing Authority, verification shall be provided upon return to work, or as requested by the department, and may be provided by mail or messenger if required.
4. Permit the County to make verification of the illness in cases of suspected abuse of this Policy.
5. Submit a written request for extended sick leave (over three [3] work days) to the department at least two (2) weeks in advance of the intended absence, or as soon as possible after an emergency situation arises which requires extended sick leave. The dates and duration of the sick leave should be noted in the written request. Requests for extended absences are reserved for situations involving an operation or hospitalization. Approval must be obtained from the department's authorized representative prior to the beginning of an extended sick leave. A department may authorize an extended sick leave in emergency situations when advance approval cannot be obtained.

E. 6. Submit leave requests under the provisions of FMLA consistent with Personnel Policy 8-108 G.

F. Disposition of Accrued Sick Leave

1. An employee who transfers from one County department to another shall retain any accumulated sick leave. An employee who changes from one employment type to another shall retain any accumulated sick leave and shall be eligible to use and/or accrue sick leave in accordance with his/her current employment type.
2. A permanent status employee who either resigned in good standing in accordance with Merit System Rules/Law Enforcement Merit System Rules or who was laid off and did not convert hours pursuant to PP 8-106.I and who returns to County employment within two (2) years from the effective date of resignation shall, upon passing probation, regain the accrued sick leave held at the time of resignation.

G. Catastrophic Leave Program

An employee may ~~donate~~**CONTRIBUTE** a portion of his/her sick leave to the catastrophic leave bank. An eligible employee who is experiencing ~~serious medical hardship or catastrophic illness~~**CATASTROPHIC CIRCUMSTANCES** may apply for and receive catastrophic leave provided:

1. The recipient is enrolled in the catastrophic leave program.
2. The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA) **AS SET FORTH IN COUNTY ADMINISTRATIVE PROCEDURES**. As the FMLA criteria change, so will the catastrophic leave criteria.
3. The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
4. There is a positive balance in the catastrophic leave bank.

After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.

Implementation and administration of the catastrophic leave program are set out by administrative procedures.

Denial of a request for leave hours from the catastrophic leave bank is not

grievable or appealable.

H. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

1. A conversion of unused sick leave hours to annual leave upon retirement shall occur for employees taking normal, early or permanent disability retirement.
2. Eligibility is limited to those employees who retire from County service into the Arizona State Retirement System, Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan.
3. Conversion of unused hours of sick leave to annual leave shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>Conversion To Annual Leave</u>
0 - 240 hours	0% of all hours up to 240
241 - 480 hours	25% of all hours up to 480
481 - 720 hours	35% of all hours up to 720
721 + hours	50% of all hours

4. The hours of sick leave converted to annual leave for retirement payout purposes shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

I. Conversion of Sick Leave Hours to Annual Leave Upon Layoff

1. A conversion of unused sick leave hours to annual leave upon layoff is available to employees upon request and prior to the date of layoff. If an employee requests and receives this payout and returns to County employment, he or she is ineligible for reinstatement of sick leave hours under Personnel Policy 8-106 F.2.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

J. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees

1. An unclassified employee may convert unused sick leave hours to annual leave upon request if his/her County position is eliminated due to the employee being transitioned into a non-County entity.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

A. Basic Pay Plan

The basic pay plan may consist of salary grades, open ranges and step plans. Each classification in the Classification System is assigned a grade/open range, except some classifications which are assigned a flat rate of pay. The grade/open range designation is determined by considering the relative level of duties and responsibilities of various classifications, rates paid for comparable classifications elsewhere, the County's financial resources and other relevant factors. Human Resources shall utilize current salary data, the employment market and other pertinent factors as a basis for making recommendations to the County Administrator for approval by the Board of Supervisors. Periodic changes or adjustments are necessary to maintain the pay plan. Grades/open ranges will be assigned with due regard to internal and external equity considerations as well as labor market competitiveness factors.

B. Pay Periods

A pay period (26 per year) shall be two (2) weeks in length. Each pay period begins at 12:01 a.m. Sunday and ends 12:00 midnight the second (2nd) Saturday thereafter. Wages shall not be withheld for more than five (5) business days following the end of each pay period. Payday shall be on the Friday following the end of each pay period.

C. Entrance Salary

The initial appointment to a County position shall ordinarily be at the minimum salary of the salary grade or open range or in accordance with the approved Salary Administration Plan for open range appointments. The Appointing Authority may recommend hiring above the minimum salary of the assigned grade/open range in two and one-half percent (2.5%) increments, up to seven and one-half percent (7.5%), based on recruiting difficulty, the appointee's qualifications and the needs of the department. This recommendation shall address any pay equity issues that arise as a result of hiring above the minimum salary of the assigned grade/open range. The Appointing Authority may recommend to the County Administrator pay equity adjustments under Section G. of this Policy as a means of resolving the pay equity issue(s). Hiring above the minimum salary of the assigned grade/open range requires the County Administrator's approval.

D. Reinstatement/Reemployment

Reinstatement or reemployment of a laid-off employee shall ordinarily be at the minimum salary of the assigned grade/open range or in accordance with the approved Salary Administration Plan for open range appointments. The Appointing Authority may recommend hiring above the minimum salary in two and one-half percent (2.5%) increments, up to seven and one-half percent

(7.5%), based on recruiting difficulty, the appointee's qualifications and the needs of the department. Reinstatement or reemployment above the minimum salary of the pay grade/open range requires the County Administrator's approval.

E. Reassignment

When an employee is reassigned, he/she shall retain the same salary held prior to the reassignment.

F. Adjustment

1. Upward adjustment

When a higher salary grade/open salary range is made applicable to a classification, all employees in that classification shall be changed to the new grade/salary on the same effective date. Each employee shall be placed in the new grade/open range at a rate that results in the same salary held in the previous grade/open salary range. There shall be an increase in salary when more is necessary to reach the minimum salary of the new salary grade/open salary range or salary as determined by the approved Salary Administration Plan.

2. Downward Adjustment

When a lower salary grade/open salary range is made applicable to a classification, all employees in the classification shall be changed to the new grade/open salary range on the same effective date. Each employee shall be placed in the new grade/open range at a rate that results in the same salary held in the previous grade/open salary range. If the employee's previous salary exceeds the maximum of the salary grade/open range of the new classification, the employee shall retain the previous salary, resulting in no loss in pay. There shall be no increase to the employee's salary until his/her pay is within the salary range of the new classification.

G. Pay Adjustment

At the request of an Appointing Authority, the County Administrator may approve a pay adjustment up or down in two and one-half percent (2.5%) increments in order to address pay equity issues and/or as is otherwise in the best interest of the County, provided no other pay policy applies. A downward adjustment requires written concurrence by the employee prior to implementation.

H. Promotion

When an employee is competitively promoted, his/her salary shall be raised up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary Administration Plan. Promotional increases in excess of the five percent (5%) require written approval by the County Administrator.

I. Demotion

When an employee is demoted or demotes for any reason, his/her salary shall be reduced to a salary in the grade/open range for the lower classification which shall result in lower pay of at least two and one-half percent (2.5%), unless waived by the County Administrator, and the salary shall not exceed the maximum salary of the new grade/open range.

J. Reappointment

**THE SALARY FOR AN EMPLOYEE REAPPOINTED TO A POSITION IN A CLASSIFICATION ASSIGNED A LOWER COMPENSATION/SALARY GRADE SHALL BE SET IN THE SAME MANNER AS FOR ENTRANCE SALARY. THE APPOINTING AUTHORITY MAY RECOMMEND PLACEMENT ABOVE THE MINIMUM SALARY OF THE ASSIGNED GRADE/OPEN RANGE IN TWO AND ONE-HALF PERCENT (2.5%) INCREMENTS, UP TO SEVEN AND ONE-HALF PERCENT (7.5%), BASED ON THE REAPPOINTED EMPLOYEE'S QUALIFICATIONS AND THE NEEDS OF THE DEPARTMENT. HIRING ABOVE THE MINIMUM SALARY OF THE ASSIGNED GRADE/OPEN RANGE REQUIRES THE COUNTY ADMINISTRATOR'S APPROVAL. THE SALARY FOR AN EMPLOYEE REAPPOINTED TO A POSITION IN A CLASSIFICATION ASSIGNED THE SAME COMPENSATION/SALARY GRADE SHALL NOT DECREASE.** A reappointed employee shall receive a salary increase only with the approval of the County Administrator, or when reappointed to a classification having an approved salary matrix (salary administration plan) and when such an adjustment is consistent with the salary matrix. In all other cases, a reappointed employee shall receive no increase in pay.

K. Reclassification

1. When an employee is reclassified to a classification of a higher grade/open salary range, his/her salary shall be raised two and one-half percent (2.5%), provided it does not exceed the maximum salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary Administration Plan.

- K. 2. When an employee is reclassified to a classification of a lower grade/open salary range, he/she shall be placed in the new grade/open range at a rate that results in the same salary held in the previous grade/open range. If the employee's previous salary exceeds the maximum salary of the new grade/open range of the new classification, the employee shall retain the previous salary, resulting in no loss in pay. There shall be no increase to the employee's salary until his/her pay is within the salary range of the new classification.

L. Detail

When an employee is detailed to a position with a higher salary grade/open salary range for more than fifteen (15) work days, his/her salary shall be raised five percent (5%), provided it does not exceed the maximum salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved Salary Administration Plan. After the detail is completed, the employee shall return to the same grade/open range and pay held before the detail, plus any salary increases which may have occurred during the detail.

M. Merit Increase

When the Board of Supervisors appropriates funds for a merit increase, the Appointing Authority may grant an employee a two and one-half percent (2.5%) merit increase based upon an official performance review with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. Merit increases shall be limited to one per year. In no case shall a merit increase raise an employee's salary above the maximum salary of the salary grade/open range unless approved by the Board of Supervisors.

N. Open Range Classifications

1. Classifications which are authorized by the Board of Supervisors as open range shall be assigned an alphanumeric salary grade. The salary for each incumbent shall be determined in accordance with a Salary Administration Plan approved by the County Administrator. All alphanumeric salary grades are not open range.
2. Any adjustments to the incumbent employee's salary within an open range classification shall be determined by the Appointing Authority, based on a County Administrator approved pay matrix and Salary Administration Plan. In no case shall adjustment in the incumbent's salary raise the incumbent's salary above the maximum of the salary range.

- N. 3. Merit increases shall be limited to one per year and may be awarded in a different manner than 8-117 M above and in accordance with the approved Salary Administration Plan. The merit increase shall be granted based upon a performance appraisal conducted pursuant to Merit System Rule 15, with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. In no case shall a merit increase raise an employee's salary above the maximum of the salary range.

O. Open Range Reappointments

1. When an employee moves from a position with a salary grade to a position with an open salary range, his/her salary shall remain the same, unless more is necessary to reach the starting salary of the open range or salary as determined by the approved Salary Administration Plan. If the change in pay results from a competitive process, the department may offer the employee a lower salary based on internal equity issues or a higher salary up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum of the salary of the new grade/open range, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved salary administration plan, when applicable. Open range reappointments in excess of five percent (5%) require written approval by the County Administrator.
2. When an employee moves from a position with an open salary range to a position with a salary grade, his/her salary shall remain the same, unless more is necessary to reach the minimum salary of the salary grade. If the change in pay results from a competitive process, the department may offer the employee a lower salary based on internal equity issues or a higher salary up to five percent (5%), in two and one-half percent (2.5%) increments, provided it does not exceed the maximum of the new grade/open range or salary, unless more is necessary to reach the minimum salary of the new grade/open range or salary as determined by the approved salary administration plan, when applicable. Open range reappointments in excess of five percent (5%) require written approval by the County Administrator.
3. Salary placement for employees into classifications having an approved salary matrix (salary administration plan) shall be made in accordance with the approved salary matrix. This shall include placement for actions described in 8-117 H, I, J and K above.

P. Anniversary Increases

When the Board of Supervisors appropriates funds for an anniversary increase, the Appointing Authority may grant an employee a two and one-half percent (2.5%) anniversary increase based upon an official performance review with the majority of the ratings being successful or above, provided no formal disciplinary action has occurred during the performance rating period. In no case shall an anniversary increase raise an employee's salary above the maximum salary of the salary grade/open range unless approved by the Board of Supervisors.

Q. Compensation Effective Date

1. The effective date for compensation actions defined in 8-117 F, G, and K above shall be the first day of the pay period following the County Administrator's approval, unless otherwise addressed in policy or by the Board of Supervisors directive. In all cases stated above, the County Administrator's approval shall be required.
2. The effective date for compensation actions defined in 8-117 H, and I **AND J**, not requiring County Administrator approval, shall be the first day of a pay period.

A. Definitions

1. "Record" means any information maintained on an individual with his/her name and/or other identification.
2. "Official personnel file" means any employment information maintained on current or former County employees.
3. "Maintain" means collect, file, update, use, or disseminate.
4. "Access" means to have permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this Policy.
5. "Official insurance file" means insurance and benefits information maintained on current County employees.
6. "Official payroll file" means any payroll information maintained on current County employees.
7. "Custodian of Records" means the person(s) designated by the County Administrator to be in charge of official employee records. For the purpose of inquiries and/or subpoenas, the Director of Human Resources is designated the Custodian of personnel records and the Director of Finance and Risk Management is designated the Custodian of financial records.

B. General

1. Effective personnel administration requires the gathering and use of information concerning employees. Personnel files shall be established and maintained in a manner designed to protect the privacy of all concerned.
2. Each Appointing Authority is responsible for ~~assuring~~**ENSURING** that employment information is filed in the appropriate personnel file. An Appointing Authority with centralized Human Resources staff support shall designate that staff to maintain the department personnel and medical records on his or her behalf while still maintaining the ultimate responsibility for this task.
3. To avoid inappropriate disclosure of records pertaining to County employees, all inquiries for personnel information shall be referred to the Custodian of personnel records and all inquiries for payroll information shall be referred to the Custodian of financial records. Departments shall instruct all employees that inquiries regarding current and former employees, made either verbally or in writing, are to be referred to the appropriate Custodian of records. This Policy shall be adhered to regardless of how routine or insignificant the inquiry may be.

C. Official Personnel Files

1. Official personnel files shall be maintained by Human Resources and are the property of Pima County Government.
2. Each official personnel file should contain documentation of official personnel actions and the following information:
  - a. Employee's name;
  - b. Social Security Number;
  - c. Employee emergency information;
  - d. Employment application(s);
  - e. County Personnel Action Forms and supporting documentation;
  - f. Loyalty Oath;
  - g. Performance Appraisal Forms;
  - h. Documentation of all formal disciplinary actions and grievance actions not alleging discrimination when the grievance was filed based on a Letter of Reprimand;
  - i. Relevant credentials and/or verification of transcripts or diplomas as stated on the application;
  - j. A copy of the Pima County Drug-Free Workplace Agreement signed by the employee;
  - k. Electronic Mail Procedure Acknowledgment prior to January 25, 2008;
  - l. Preventing Workplace Harassment Acknowledgment;
  - m. Employee Consent to Pima County's Disclosure of Employment Information and Release of Liability Form;
  - n. Applicant Consent to Release Liability and Reference Information Form and accompanying reference check documentation;
  - o. Eligibility for Reinstatement of Sick Leave Hours Form.

D. Official Insurance Files

Official insurance files are maintained by Human Resources and should contain the following information:

1. Medical membership records;
2. Dental membership records;
3. Life insurance membership records;
4. Other supplemental benefit records.

E. Form I-9 Employment Eligibility Verification Archive Files

Official Form I-9 archive files are maintained by Human Resources and shall contain the following information:

1. Form I-9, Employment Eligibility Verification;
2. Supporting documentation.

F. Official Payroll Files

1. Official payroll files are maintained by the Finance and Risk Management Department and should contain the following documents:
  - a. W-4 Forms;
  - b. Arizona State Retirement Fixed Benefit Plan Enrollment Form, Application for Return of Contributions Form and/or Change of Beneficiary Designation Form;
  - c. Authorizations for deductions;
  - d. U.S. Military Selective Service Act Compliance Form.
2. The Finance and Risk Management Department shall respond to civil subpoenas for any payroll records in the same manner outlined in H.5 below.

G. Department Files

1. Department personnel files should contain the following information:
  - a. Employee's name;
  - b. Social Security Number;
  - c. Classification title and classification code;
  - d. Employee emergency information;
  - e. Copies of Personnel Action Forms;
  - f. Performance Appraisal and Performance Plan forms;
  - g. Documentation of all formal and informal disciplinary and grievance actions;
  - h. Letters of commendation;
  - i. Educational Reimbursement Application Forms;
  - j. Outside Employment Permission forms;
  - k. Computer Use and Electronic Mail Procedure acknowledgments;
  - l. Termination arrangements (non-medical) as found in Personnel Policy 8-123.A.6.
  
2. Department medical files should contain the following information:
  - a. Workers' compensation reports:
    - (1) Initial reports (Supervisor's Report of Industrial Accident/Injury; Employer's Report of Industrial Injury);
    - (2) Work status documentation from health care provider;
  - b. Accident /Injury reports;
  - c. Records and documents relating to medical certifications or medical history except for Family and Medical Leave Act (FMLA) related medical documents dated on or after January 16, 2009, including medical certification forms;

- G. 2. d. Hepatitis B Vaccination Consent/Declination Form;
- e. Pima County Risk of Exposure Notification;
- f. Termination arrangements (verification from medical provider) as found in Personnel Policy 8-123.A.6.
- 3. Upon request, departments shall provide an opportunity for employees to review their department files.
- 4. Department files shall be relocated to the receiving department when an employee transfers. The transferring department may retain the following information:
  - a. Employee's name;
  - b. Address;
  - c. Social Security Number;
  - d. History of personnel actions as indicated on County Personnel Action Forms.
- 5. Any employee records maintained by the department, aside from those contained in the official department personnel file, shall contain no adverse material that is not contained in the official department personnel file. For the purpose of employee performance management, notations related to deficiencies in identified performance factors may be maintained in a supervisory file provided the performance issue(s) has been discussed with the employee and the notation(s) removed after a disciplinary or non-disciplinary action and/or performance appraisal has been issued.

H. Access to Personnel Files

- 1. Official personnel files shall not be disclosed except as required by law. The following persons may be allowed access to official personnel files:
  - a. Members of the Board of Supervisors;
  - b. The County Administrator or designee;
  - c. The employee or the employee's designated representative who has written authorization from the employee;
  - d. Authorized County staff with the approval of the Director of Human Resources or designee;

- H. 1. e. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records;
- f. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of the audit;
- g. The employee's Appointing Authority or designee.
2. The Director of Human Resources may provide access to persons other than those cited in this Policy upon determination that such persons in the course of their official duties have a valid need-to-know.
3. Department personnel files shall not be disclosed except as required by law. The following persons may be allowed access:
  - a. The County Administrator or designee;
  - b. The employee or the employee's designated representative, who has written authorization from the employee;
  - c. The Appointing Authority and authorized departmental staff;
  - d. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records.
4. Appointing Authorities and/or the Director of Human Resources shall require reasonable identification of individuals requesting information to ~~assure~~**ENSURE** that records are disclosed only to the proper persons.
5. Human Resources shall respond to civil subpoenas for any personnel records as follows:
  - a. Notify the affected employee;
  - b. Determine whether to seek, through the County Attorney, a protective order restricting dissemination to only such materials as are necessary and proper; and
  - c. Comply with the subpoena as required by law.

- H. 6. Each employee and/or his/her authorized representative has the right to review the employee's personnel files. With reasonable notice given to Human Resources, files may be reviewed at Human Resources in the presence of authorized staff.
- 7. Employees shall be provided with copies of their own personnel records for a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.

A. Definitions

1. "Record" means any information maintained on an individual with his/her name and/or other identification.
2. "Official personnel file" means any employment information maintained on current or former County employees.
3. "Maintain" means collect, file, update, use, or disseminate.
4. "Access" means to have permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this Policy.
5. "Official insurance file" means insurance and benefits information maintained on current County employees.
6. "Official payroll file" means any payroll information maintained on current County employees.
7. "Custodian of Records" means the person(s) designated by the County Administrator to be in charge of official employee records. For the purpose of inquiries and/or subpoenas, the Director of Human Resources is designated the Custodian of personnel records and the Director of Finance and Risk Management is designated the Custodian of financial records.

B. General

1. Effective personnel administration requires the gathering and use of information concerning employees. Personnel files shall be established and maintained in a manner designed to protect the privacy of all concerned.
2. Each Appointing Authority is responsible for ~~assuring~~**ENSURING** that employment information is filed in the appropriate personnel file. An Appointing Authority with centralized Human Resources staff support shall designate that staff to maintain the department personnel and medical records on his or her behalf while still maintaining the ultimate responsibility for this task.
3. To avoid inappropriate disclosure of records pertaining to County employees, all inquiries for personnel information shall be referred to the Custodian of personnel records and all inquiries for payroll information shall be referred to the Custodian of financial records. Departments shall instruct all employees that inquiries regarding current and former employees, made either verbally or in writing, are to be referred to the appropriate Custodian of records. This Policy shall be adhered to regardless of how routine or insignificant the inquiry may be.

C. Official Personnel Files

1. Official personnel files shall be maintained by Human Resources and are the property of Pima County Government.
2. Each official personnel file should contain documentation of official personnel actions and the following information:
  - a. Employee's name;
  - b. Social Security Number;
  - c. Employee emergency information;
  - d. Employment application(s);
  - e. County Personnel Action Forms and supporting documentation;
  - f. Loyalty Oath;
  - g. Performance Appraisal Forms;
  - h. Documentation of all formal disciplinary actions and grievance actions not alleging discrimination when the grievance was filed based on a Letter of Reprimand;
  - i. Relevant credentials and/or verification of transcripts or diplomas as stated on the application;
  - j. A copy of the Pima County Drug-Free Workplace Agreement signed by the employee;
  - k. Electronic Mail Procedure Acknowledgment prior to January 25, 2008;
  - l. Preventing Workplace Harassment Acknowledgment;
  - m. Employee Consent to Pima County's Disclosure of Employment Information and Release of Liability Form;
  - n. Applicant Consent to Release Liability and Reference Information Form and accompanying reference check documentation;
  - o. Eligibility for Reinstatement of Sick Leave Hours Form.

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Official insurance files are maintained by Human Resources and should contain the following information:

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1. Official payroll files are maintained by the Finance and Risk Management Department and should contain the following documents:
  - a. W-4 Forms;
  - b. Arizona State Retirement Fixed Benefit Plan Enrollment Form, Application for Return of Contributions Form and/or Change of Beneficiary Designation Form;
  - c. Authorizations for deductions;
  - d. U.S. Military Selective Service Act Compliance Form.
2. The Finance and Risk Management Department shall respond to civil subpoenas for any payroll records in the same manner outlined in H.5 below.

G. Department Files

1. Department personnel files should contain the following information:
  - a. Employee's name;
  - b. Social Security Number;
  - c. Classification title and classification code;
  - d. Employee emergency information;
  - e. Copies of Personnel Action Forms;
  - f. Performance Appraisal and Performance Plan forms;
  - g. Documentation of all formal and informal disciplinary and grievance actions;
  - h. Letters of commendation;
  - i. Educational Reimbursement Application Forms;
  - j. Outside Employment Permission forms;
  - k. Computer Use and Electronic Mail Procedure acknowledgments;
  - l. Termination arrangements (non-medical) as found in Personnel Policy 8-123.A.6.
2. Department medical files should contain the following information:
  - a. Workers' compensation reports:
    - (1) Initial reports (Supervisor's Report of Industrial Accident/Injury; Employer's Report of Industrial Injury);
    - (2) Work status documentation from health care provider;
  - b. Accident /Injury reports;
  - c. Records and documents relating to medical certifications or medical history except for Family and Medical Leave Act (FMLA) related medical documents dated on or after January 16, 2009, including medical certification forms;

- G. 2. d. Hepatitis B Vaccination Consent/Declination Form;
- e. Pima County Risk of Exposure Notification;
- f. Termination arrangements (verification from medical provider) as found in Personnel Policy 8-123.A.6.
- 3. Upon request, departments shall provide an opportunity for employees to review their department files.
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  - a. Employee's name;
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  - c. Social Security Number;
  - d. History of personnel actions as indicated on County Personnel Action Forms.
- 5. Any employee records maintained by the department, aside from those contained in the official department personnel file, shall contain no adverse material that is not contained in the official department personnel file. For the purpose of employee performance management, notations related to deficiencies in identified performance factors may be maintained in a supervisory file provided the performance issue(s) has been discussed with the employee and the notation(s) removed after a disciplinary or non-disciplinary action and/or performance appraisal has been issued.

H. Access to Personnel Files

- 1. Official personnel files shall not be disclosed except as required by law. The following persons may be allowed access to official personnel files:
  - a. Members of the Board of Supervisors;
  - b. The County Administrator or designee;
  - c. The employee or the employee's designated representative who has written authorization from the employee;
  - d. Authorized County staff with the approval of the Director of Human Resources or designee;

- H. 1. e. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records;
- f. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of the audit;
- g. The employee's Appointing Authority or designee.
- 2. The Director of Human Resources may provide access to persons other than those cited in this Policy upon determination that such persons in the course of their official duties have a valid need-to-know.
- 3. Department personnel files shall not be disclosed except as required by law. The following persons may be allowed access:
  - a. The County Administrator or designee;
  - b. The employee or the employee's designated representative, who has written authorization from the employee;
  - c. The Appointing Authority and authorized departmental staff;
  - d. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records.
- 4. Appointing Authorities and/or the Director of Human Resources shall require reasonable identification of individuals requesting information to ~~assure~~**ENSURE** that records are disclosed only to the proper persons.
- 5. Human Resources shall respond to civil subpoenas for any personnel records as follows:
  - a. Notify the affected employee;
  - b. Determine whether to seek, through the County Attorney, a protective order restricting dissemination to only such materials as are necessary and proper; and
  - c. Comply with the subpoena as required by law.

- H. 6. Each employee and/or his/her authorized representative has the right to review the employee's personnel files. With reasonable notice given to Human Resources, files may be reviewed at Human Resources in the presence of authorized staff.
- 7. Employees shall be provided with copies of their own personnel records for a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.

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

- A. Observe Personnel Policies and 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, sex, disability, veteran's status, sexual orientation or results of a genetic test received by the County, when applicable.
- S. Treat all co-workers and general public in a courteous manner.
- T. Report to 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. Supervisory responsibilities include:
  - 1. ~~Assuring~~**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. ~~Assuring~~**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.

- Y. 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 the County gift policy 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.